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ABSTRACT

This is a comprehensive index and summary of the 1974 amendments to the Elementary and Secondary Education Act of 1965. An introductory section provides an overview of the new legislation and discusses the expected development of new federal regulations to ensure compliance with provisions of the amended Act. The bulk of the report consists of an extensive index that is organized topically. Within each broad topic, subsections are devoted to specific provisions of the Education Amendments of 1974. Each subsection lists applicable sections and page numbers of the law and briefly summarizes relevant provisions. The appendix reproduces a sequential listing of the titles, sections, and subsections of the Amendments and provides the page numbers that were not included in the original government version. (JG)

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An Index To

THE EDUCATION AMENDMENTS OF 1974

A Report to the States

ECS Report No. 60
Education Commission of the States
Wendell H. Pierce, Executive Director

December 1974

Additional copies of this report may be obtained for $3.00
from the Education Commission of the States, Suite 300
1860 Lincoln Street, Denver, Colorado 80203, (303)893-5200

The Education Amendments of 1974 (P.L. 93-380) resulted from a merger of House Bill 69 (H.R. 69) and Senate Bill 1539 (S. 1539)

EA 006 676

FOREWORD

This publication contains a summary, an index, an invitation and a challenge:

- A summary of significant features of new federal aid to education legislation that will have major impact on state education activities--the Education Amendments of 1974.
- A comprehensive index of the legislation.
- An invitation to allow ECS to assist political and education leaders in the states in explaining, interpreting and perhaps influencing the administration of the act.
- And a challenge to state leaders that the way they respond to certain provisions of the legislation will influence the future course of federal-state relations in education.

This publication was prepared by Carol Andersen for an interdepartmental ECS staff committee headed by Gene Hensley, interim director of elementary and secondary education Services. If you have questions about any parts of the legislation, or if you wish to become involved in the regulation preparation and review process described within, please call or write Gene. His address and telephone number:

Gene Hensley
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Education Commission of the States
1860 Lincoln Street
Denver, Colorado 80203

We hope ECS will become an information clearinghouse for the Education Amendments of 1974.

Wendell H. Pierce
Executive Director

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I. THE LEGISLATION

The Education Amendments of 1974 provide an extensive potpourri of new, revised and warmed-over programs of federal assistance, primarily for state and local education agencies but including some significant postsecondary provisions. Some parts of the act have immediate or long-range implications for the state role in education. Enacted in late July 1974 after more than a year of Congressional consideration and compromise, the legislation was signed into law by President Ford on August 21.

The Amendments are labeled an act "to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes." While the extension and modification of the federal program of compensatory aid to disadvantaged children -- the so-called Title I program -- is at the heart of the legislation, those involved in or concerned about education in the states should be aware of a number of other provisions, including:

- Impact Aid - Allows states to treat federal impact aid to local districts as local revenue for statewide equalization purposes.

- Equalization - Authorizes grants of up to $1 million to assist states in equalizing state education expenditures among local school districts.

- Program Consolidation - Combines eight existing and seven new categorical aid programs into three consolidated programs: (1) library and instructional resources, (2) innovation and support services and (3) special projects.

- Student Privacy - Denies federal funds to any educational institution that refuses postsecondary students or the parents of elementary-secondary school students access to student records.

- Handicapped Children - Extends and expands federal programs funded under the Education of the Handicapped Act; authorizes one-shot (fiscal year 1975 only) grants to the states of $8.75 for each child, aged 3-21, to assist states in providing programs for all handicapped children; and for future federal funding requires states to submit plans and timetables for providing "full educational opportunities to all handicapped children."

- Bilingual Education - Substantially revises the Bilingual Education Act to mandate the establishment of an Office of Bilingual Education within the U.S. Office of Education, provides funds to states that develop statewide bilingual education programs and requires that a portion of annual appropriations be devoted to teacher training in bilingual education.

II. FROM LEGISLATION TO REALITY

Two ingredients are needed to transform legislative rhetoric into classroom reality: federal regulations and Congressional appropriations. In other words,

guidelines and money.

Regulations or guidelines are drafted by officials in the executive branch of the federal government to help in the administration of federal laws. They provide both federal administrators and potential grant recipients with precise information on how to allocate or qualify for appropriated funds.

Congress has been unhappy with the way federal bureaucrats prepared regulations for some parts of some education laws. As a result, the Education Amendments of 1974 provide a means for Congress to review draft regulations and, if necessary or desirable, to reject them by concurrent resolution of both houses.

In signing the act, President Ford questioned the constitutionality of the Congressional review feature, suggesting it usurps executive power. The Justice Department will provide guidance to federal officials, but eventually it may require a judicial ruling to resolve this executive-legislative dispute.

Meanwhile, a task force representing the various segments of the federal education establishment is busy drafting regulations for administration of the act.

At the same time, Congress has approved fiscal year 1975 and, in some cases, fiscal year 1976 appropriations for some of the programs included in the Amendments.

Early in 1975, President Ford will present his fiscal year 1976 budget requests to the Congress and appropriations activities will begin anew.

Thus, even more than the law itself, two elements -- regulations and appropriations -- will determine the impact the Education Amendments of 1974 will have on state education activities and the programs of local school districts.

III. AUTHORIZATIONS AND APPROPRIATIONS

There's a big difference between authorizations and appropriations. Authorizations are funds the Congress may provide for various parts of a law; appropriations are funds actually provided. The authorization figures included in an act are influenced primarily by members of the education committees of the Congress; appropriations are influenced by the President's budget request and members of the appropriations committees.

There is almost always a decided gap between what might be spent -- authorizations -- and what is actually available to spend -- appropriations. Some authorized programs never receive appropriations. Senator Thomas F. Eagleton has termed this process "unfunding." Former Secretary of Health, Education and Welfare Elliot L. Richardson called it a "political shell game."

Whatever, it appears likely that as part of anti-inflation efforts to constrain federal spending, some sections of the Education Amendments of 1974 will receive little or no funding. And until President Ford has submitted his fiscal 1976

budget and the appropriate Congressional committees have begun work on appropriations, opportunities for state education and political leaders to influence funding decisions will be limited.

IV. REGULATIONS: AN OPPORTUNITY

State education and political leaders do have at least two opportunities to influence regulations, however, either directly or through the Education Commission of the States (ECS).

The importance of taking advantage of these opportunities cannot be overestimated. The change in the impact aid law, for example, allows states to consider federal impact aid to local districts as local resources for state aid allocation purposes provided the state aid program is "designed to equalize expenditures for free public education among the local educational agencies of that state."

The way in which the U.S. Office of Education determines whether or not a state qualifies will be spelled out in draft regulations scheduled for publication on January 15, 1975.

Other examples of the importance of regulations to state and local education agencies, in addition to those programs previously cited:

- Open Meetings - The act requires local school districts that apply for assistance to certify "that members of the public have been afforded the opportunity upon reasonable notice to testify or otherwise comment regarding the subject matter of the application."

- Simplified State Plan - The act provides that states may prepare and submit a single, consolidated annual plan for state administration of any and all programs under the legislation that require state approval or supervision. Previously, separate applications and plans were required for each federal program.

- Compensatory Education - Title I of the Elementary and Secondary Education Act -- the massive federal program of compensatory education for students from low-income families -- has been amended to require parental advisory councils for each school receiving such assistance. Previously, such councils were required only for each district receiving Title I funds. In addition, the new law requires the federal education office to develop national standards for evaluating Title I programs, which states and local districts eventually will be required to use.

The first opportunity to influence the regulation process occurs prior to publication of draft regulations in the Federal Register, a daily publication of the federal government that lists the actions of federal agencies.

State-level policymakers and administrators who wish to make suggestions or recommendations regarding regulations for various programs should contact

ECS or the U.S. Office of Education by the dates indicated below:

Contact Date	Program
January 17, 1975	Program Consolidation: -Libraries and Resources -Innovation and Support Open Meetings Simplified State Plan
February 28, 1975	Bilingual Education - Fiscal 1976 Impact Aid - Fiscal 1976 Program Consolidation: -Special Projects Handicapped

The person to contact at the U.S. Office of Education is H. Reed Saunders, deputy assistant commissioner for planning, budgeting and evaluation. The address is 400 Maryland Avenue SW, Washington, D.C. 20202. His telephone number is (202)245-8307.

A second opportunity to influence federal regulations occurs during a public and Congressional review period following publication in the Federal Register. The public comment period for federal regulations normally is 30 days from publication, but the Congressional review period for the Education Amendments of 1974 is 45 days. Federal officials have indicated that in this case the 45-day period probably will apply for both.

Comments on draft regulations will be passed on by ECS to both federal officials and Congressional staff members, provided they are received within 30 days following the publication dates indicated below:

Program	Publication Date
Bilingual Education:	
-Fiscal 1975	January 13, 1975
-Fiscal 1976	April 18, 1975
Open Meetings	March 1, 1975
Impact Aid:	
-Equalization	January 15, 1975
-Fiscal 1975	February 15, 1975
-Fiscal 1976	April 18, 1975
Program Consolidation:	
-Libraries and Resources	March 1, 1975
-Innovation and Support	March 1, 1975
-Special Projects	April 18, 1975

Program	Publication Date
Simplified State Plan	March 1, 1975
Handicapped	April 18, 1975

Comparable dates for other parts of the act are available from ECS upon request. Copies of the Federal Register are available in every state library and state education agency.

V. FEDERAL EDUCATION POLICY AND THE STATES

The federal government's policy toward education continues to be primarily remedial. That is, most federal aid programs are designed to correct or improve basic skills -- reading, mathematics, science, etc. -- or opportunities for the disadvantaged -- the poor, handicapped or those who speak a language other than English. Federal programs either help individual students adapt to local or state programs or help local or state programs adapt to the special needs of some students. Federal funds provide an average of less than eight percent of all local school budgets. Thus, the federal government remains very much a junior partner in the local-state-federal troika that governs and finances education throughout the nation.

However, the impact of federal programs sometimes far exceeds the intent of the Congress or the amount of funding involved. Prior to the Education Amendments of 1974, for example, the impact aid program served to disequalize school finance programs in some states. And the potential influence on local school governance of parent advisory councils for each Title I school remains to be determined. The new student privacy law, hastily added to the legislation at the last minute, conflicts with existing legislation in more than half the states.

Therefore, policymakers and administrators in the states need to remain alert to the possibility that federal programs designed to remedy ills or provide assistance sometimes create more problems than they solve. The best preventive medicine: more aggressive state involvement in federal legislative and administrative processes. When the state role in education is involved, Congress has often acted in a vacuum -- not because members of Congress are hostile to state governments, but simply because the states have too frequently failed to make their concerns or needs known.

As a result, many members of Congress suspect that many states are not fulfilling their education responsibilities to the utmost. The program consolidation provisions of the Education Amendments of 1974 were enacted with great reluctance. The manner in which the states respond to this opportunity -- how well they administer consolidated program grants -- will have major impact on future federal education legislation and indeed on the future of federal-state relations in the governance of education.

VI. A FINAL WORD

In conclusion, ECS offers the following services:

1. To answer inquiries from member states about the Education Amendments of 1974.

2. To serve as a clearinghouse for state suggestions and concerns about administration of the act.

3. To serve as a clearinghouse for state suggestions and concerns regarding funding of the legislation.

USER'S GUIDE

The Education Amendments of 1974, PL 93-380, covers a wide variety of existing programs, authorizes new programs, deals with general administrative procedures, authorizes studies to be made and, in short, intrudes itself into nearly every niche of the nation's education system. The arrangement of the Act leaves much to be desired. The reader, for example, is likely to have to read the entire Act in order to find all of the provisions concerning any given area of interest.

For example, provisions affecting the education of Indian children appear in Title I (in two different places), Title III, Title IV, Title VI (also in two different places) and Title VIII. These provisions range from bilingual, compensatory and special education programs for Indian children to impact aid provisions -- and they include the extension of the Indian Education Act and provide for the continuation of the National Advisory Council on Indian Education. The Index which follows has all of these provisions arranged under the topic "Indian Children" (pp. 40-41). It also contains the page number of the Act on which the provision may be found so that the reader can: (1) locate the desired information; (2) obtain further detail; and (3) review the specific provision within the context of the section and title in which it appears.

The Index, then, is arranged topically in alphabetical order in accordance with the contents of the Act. The Table of Contents on page iii provides a list of the topics covered. The Appendix, beginning on page 89 provides a sequential listing of the titles, sections and subsections of the Act. It is taken directly from PL 93-380 and is reproduced here to provide the reader with the page numbers -- which were not included in the government printing.

There are several pitfalls of which the reader should be forewarned. Since a good deal of PL 93-380 is concerned with amending existing legislation, a variety of section numbers belonging to different laws appear throughout the Act. They are confusing. For example, if the reader is interested in, say, adult education, he or she would turn to page 5 in the Index. The next step would be to refer to the different places in the Act where adult education provisions appear. The first of these is concerned with bilingual adult education programs. It is cited as Title I, Sec. 105 and appears on p. 23 of the Act. However, the reader will find no reference to Sec. 105 on page 23. Instead, it clearly states "Sec. 721." The reason that Sec. 721 appears on p. 23, and Sec. 105 does not, is that Sec. 105 of Title I amends Title VII of the Elementary and Secondary Education Act of 1965 (ESEA). Sec. 105 begins on page 20 and ends on page 29 and throughout these ten pages the various sections of ESEA Title VII are being amended. Of course the section numbers of Title VII all begin with a 7 and, consequently, Sec. 105 is filled with references to sections numbered 7, including Sec. 721. All of these section numbers are preceded with quotation marks ("Sec. 721), whereas section numbers which belong to PL 93-280 are not (Sec. 105). It will probably simplify matters if the reader relies on the page numbers provided.

Finally, when the Act amends a piece of existing legislation, the reader has no way of determining what the amendment entails unless he refers back to the

legislation that is being amended. An interesting example occurs on page 12 of the Act as follows:

> (3) Section 121 of such Title I and all references thereto are redesignated as Section 126.

This small statement is referring to Section 121 of ESEA which is concerned with special incentive grants. A very brief description of these grants appears in the Index under Grants and Grant Provisions, Part 1(c) although there is no information in PL 93-380 concerning them other than the sentence quoted above. Amendments to existing legislation are, in some cases, briefly explained in the Index in an attempt to provide missing information. In some cases therefore, the Index will contain information which is not included in the Act.

One last precaution: the descriptive paragraphs in the Index are specific provisions. The cross-referencing in the Index is designed to guide the reader to closely related information. Individual provisions, taken separately, are often misleading and the reader is urged to use the cross-references to avoid errors in interpretation. To obtain a thorough understanding of a given provision, however, it is essential to read it <u>in the context</u> of the Title and section in which it appears.

LIST OF ACRONYMS AND TERMS

Acronyms

ESEA -- Elementary and Secondary Education Act of 1965

HEW -- Department of Health, Education and Welfare

LEAs -- Local education agencies (i.e., school districts)

NCES -- National Center for Education Statistics

NIE -- National Institute of Education

NSF -- National Science Foundation

OE -- Office of Education

SEAs -- State education agencies (i.e., state departments of education)

Terms (unless otherwise specified)

Assistant Secretary -- the Assistant Secretary of the Department of Health, Education and Welfare (for Education)

Commissioner -- Commissioner of Education

Congressional education committees -- the Committee on Education and Labor (House) and the Committee on Labor and Public Welfare (Senate)

Secretary -- the Secretary of the Department of Health, Education and Welfare

INDEX TO THE EDUCATION AMENDMENTS OF 1974

ACTS AND AMENDMENTS

(1) The Bilingual Education Act (Title I, Sec. 105, pp. 20-29)--see Bilingual Education, Part 1.

(2) The Equal Educational Opportunities Act of 1974 (Title II, pp. 31-38)--see Desegregation, Part 2.

(3) The Special Projects Act (Title IV, Sec. 402-409, pp. 61-73)--see Grants and Grant Provisions, Part 4b.

(a) The Community Schools Act (Title IV, Sec. 405, pp. 66-68)--see Community Schools, Part 1.

(b) The Women's Educational Equity Act of 1974 (Sec. 408, pp. 71-72)--see Women, Part 1.

(4) Tydings Amendment (Title V, Sec. 506, pp. 79-80)--see Administration-Federal, Part 3f.

(5) The Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment), Title V, Sec. 513-514, pp. 88-91--see Parental and Student Rights, Part 1.

(6) The Javits Amendment (Title VI, Sec. 614-615, pp. 97-100)--see Special Education, Part 5b.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)--see Reading, Part 2.

ADMINISTRATION-FEDERAL

(1) Bilingual Education (Bilingual Education Act, Title I, Sec. 105, pp. 20-29)

The Act creates an Office of Bilingual Education in OE to be headed by a Director (pp. 26-27).

(2) The Special Projects Act (Title IV, Sec. 404-407, pp. 64-70).

(a) This Act requires the Commissioner to set up an administrative unit within OE to administer all programs and projects for gifted and talented children (p. 64).

(b) Provision is also made (pp. 68-69) for the establishment of an Office of Career Education within OE to administer the career education programs funded under the Act. The Office of Career Education is to be headed by a Director who is also to be a non-voting member of the National Advisory Council for Career Education--see Advisory Councils, Part 4b.

(c) The Act provides (p. 70) for the establishment of the Office of Consumers' Education within OE to be headed by a Director of Consumers' Education.

(3) Education Administration (Title V, pp. 73-93)

(a) Sec. 501 of Title V provides for the establishment of the National Center for Educational Statistics (NCES) currently located in OE, within the office of the Assistant Secretary (pp. 73-75)--see Statistics, Part 1.

(b) Sec. 502 provides an addition to the General Education Provisions Act which contains rules for education officers of the United States and a statement of the authority of administrative heads of education agencies (p. 76-77). The term "education officer" includes persons appointed by the President, except for members of commissions, councils or boards. The Act prohibits education officers from holding other positions and from having any financial interest in institutions or organizations receiving federal grants or contracts (without the written approval of the President).

Heads of education agencies include the Commissioner, the Director of NIE and to the extent that the Assistant Secretary is responsible for the administration of programs and the supervision of NCES, the Assistant Secretary is included. Heads of education agencies are authorized to promulgate, rescind and amend rules governing the operation of the agency (within legal limitations), to provide for the compensation of personnel, to accept unconditional gifts, to use funds appropriated for the purpose for the construction of facilities, to dispose of property and to use, and pay for, the services of other federal agencies.

(c) Sec. 503 provides that regional offices of OE may not assume any responsibilities or functions other than those exercised prior to June 1, 1973 unless they are so authorized by law after the passage of this Act (p. 77). Regional offices are restricted to the dissemination of information (see Information Dissemination/Clearinghouse, Part 6) and to the provision of technical assistance. The Commissioner is to submit to congressional education committees an annual report on the personnel needs and assignments of OE, due November 1 of each year (pp. 77-78)--see Studies and Reports, Part 5.

(d) Sec. 504 contains a description of the Education Division within HEW (p. 78). It is to be headed by the Assistant Secretary and to be composed of OE, NIE, and, in the Office of the Assistant Secretary, NCES--see 3a above.

(e) Sec. 505 - Limits appropriations to the Education Division to $7.5 billion in fiscal 1975, $8 billion for fiscal 1976 and $9 billion for fiscal 1977--except for uncontrollable expenditures (p. 79).

(f) Sec. 506 - Provides (pp. 79-80) that unobligated funds will be carried forward and will remain available for obligation during the succeeding fiscal year (the Tydings Amendment), and that programs will be automatically extended an additional fiscal year if their authorizing legislation expires and Congress has failed to act (p. 80).

Provision is also made under Sec. 506 for the planning and evaluation of all federal education activities (pp. 80-82). The Secretary is required to submit to congressional education committees an annual report of federal education programs--see Studies and Reports, Part 5, Program Evaluation, Part 2.

(g) Sec. 508 (pp. 82-83) requires the Assistant Secretary to compile a listing, indexed according to subject, description and location, of all federally assisted innovation programs.

This section also provides that when decisions of SEAs administering a federal program in accordance with a state plan, result in a grievance on the part of the agency applying for or receiving the funds, that the aggrieved agency may request a hearing by the SEA within 30 days. The hearing must be held within 30 days of receipt of the request and the SEA must deliver its final decision in writing within 10 days of the hearing. The decision of the SEA may be appealed to the Commissioner.

(h) Sec. 509 (pp. 83-85) contains provisions which require the Commissioner to: (1) allow a period of thirty days prior to effective date for interested parties to comment, and take exception to, new regulations; (2) submit all regulations to the Speaker of the House and the President of the Senate, allowing a period of forty-five days to elapse before the regulations take effect (regulations would then go into effect automatically unless a concurrent resolution by Congress prohibits it); (3) resubmit all regulations disapproved by Congress with an explanation of modifications made; (4) submit a schedule to Congressional education committees not later than sixty days after the enactment of any act requiring new regulations, of the dates when the Commissioner will promulgate the new regulations (no later than 180 days after the submission of the schedule); and (5) notify the appropriate committees if the original schedule requires modification and provide a modified schedule (to be implemented after approval by both committees).

(i) Sec. 510 (p. 85) provides that recipients of federal funds are to keep such records as the Assistant Secretary requires, including the full disclosure of the amount and disposition of funds received from the

federal government, the total cost of the program and the amount supplied from non-federal sources. The Secretary and the Comptroller General (or their representatives) are to have access to these records for the five year period following the completion of the project.

(j) Sec. 511 (pp. 86-88) provides for simplified state applications (see Applications, Part 6b), and Sec. 512 (p. 88) provides for the submission by SEAs to the Commissioner of annual reports on the use of federal funds--see Studies and Reports, Part 5c.

(k) Sections 513-515 (pp. 88-91) are concerned with the protection of parental and student rights--see Parental and Student Rights, Part 1.

(l) Sections 516-518 (p. 92) are concerned with advisory councils--see Advisory Councils, Part 6.

(m) Sec. 519 (p. 93) provides for the establishment within OE of an Office of Libraries and Learning Resources through which the Commissioner is to administer all OE programs related to libraries, information centers and education technology. The office is to be headed by a Director.

(4) Education of the Handicapped (Title VI, Sec. 612, pp. 96-97)

Sec. 612 provides that the Bureau of Education for the Handicapped (created under Sec. 603 of the Education of the Handicapped Act) is to be headed by a Deputy Commissioner of Education. The Deputy Commissioner is to be appointed by the Commissioner. Sec. 612 also provides for the creation of five new positions in the Bureau, including that of Associate Deputy Commissioner. Sec. 613 provides for the continuation of the National Advisory Committee on Handicapped Children until July 1, 1977. Authorization for the Committee is $100,000 per year for each fiscal year from fiscal 1974 to fiscal 1977.

(5) Policy Statement With Respect to Advance Funding (Title VIII, Sec. 802, p. 114)

Sec. 802 declares it to be the policy of the United States to implement immediately and continuously Sec. 411 of the General Education Provisions Act relating to advance funding.

(6) Study of Late Funding (Title VIII, Sec. 824, p. 119)

The Commissioner is to report to Congress on the impact of late funding in terms of (1) planning at the local level and (2) its adverse effects on program quality and effectiveness--see Studies and Reports, part 10.

(7) Equalization Plans (Title VIII, Sec. 842, pp. 127-128)

Sec. 842 provides grants to states for the development or administration of state plans designed to equalize educational opportunity--see School Finance, Part 5.

The Commissioner is to develop guidelines for the plans no later than April 1, 1975, to be published in the Federal Register and submitted to the President of the Senate and the Speaker of the House. For the next sixty days the Commissioner is to provide interested parties an opportunity to present views and make recommendations.

By July 1, 1975, the Commissioner is to republish the guidelines in the Federal Register, amended if merited, and accompanied by a summary of the views and recommendations (commented upon by the Commissioner) of interested parties. The same materials are to be submitted to the President of the Senate and the Speaker of the House on July 1, 1975. If either the Senate or the House adopts a resolution of disapproval of the guidelines by December 1, 1975, the Commissioner is to publish new guidelines by December 15, 1975. The new guidelines are to reflect the views and policies of the resolution(s) and to become effective 30 days after publication.

ADULT EDUCATION

(1) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, p. 23, p. 27)

Adult bilingual education programs may be funded, particularly for the parents of children enrolled in bilingual education programs. They are to be coordinated, where possible, with programs funded under the Adult Education Act (see Parts 3 and 5 below). The Act also provides (p. 27) that the Commissioner is to undertake a study which will include a five-year plan for extending programs of bilingual education, bilingual vocational education and adult education--see Studies and Reports, Part 2.

(2) The Special Projects Act (The Women's Educational Equity Act of 1974, Title IV, Sec. 408, pp. 71-72)

This Act provides grants (p. 71) for activities at all levels of education, including adult education designed to achieve educational equity for women--see Women, Part 1. Projects may be funded that, among other things, are designed to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women.

(3) Amendment and Extension of the Adult Education Act (Title VI, Sec. 601-609, pp. 93-96)

Programs funded under the Adult Education Act are extended through fiscal 1978 with authorizations (p. 96) ranging from $150 million in fiscal 1974

to $200 million in fiscal 1978--see Grants and Grant Provisions, Part 6a. A hold harmless provision guarantees that states will receive 90% of their fiscal 1973 appropriation for each fiscal year after fiscal 1974.

A number of revisions of existing programs and program requirements are made: (1) Commissioner discretionary funds for experimental programs and teacher training originally funded under Sec. 304 of the Adult Education Act, are no longer to be reserved to the Commissioner (Sec. 602, p. 93); (2) Sec. 604, p. 94, requires the State to reserve 15% of its allotment for experimental programs and teacher training (see Innovation and Support, Part 4, and Personnel Training, Part 4); (3) community school programs are included (p. 94) in the experimental programs to be funded (see Community Schools, Part 2); (4) experimental programs are to include bilingual education programs (pp. 95-96) and provision is also made for the development of innovative methods and the training of personnel for bilingual programs (see Bilingual Education, Part 5).

The following modifications of state plans (see State Plans, Part 3) are also required: (1) plans are to provide for cooperation with manpower development, occupational and reading improvement programs (p. 93); (2) a set-aside of not more than 20% of the total state allocation is to be reserved for high school equivalency programs leading to a certificate of graduation (p. 93); (3) a set-aside of not more than 20% of total funds is to be reserved for programs for institutionalized adults (pp. 93-94); and (4) Sec. 607 (pp. 95-96) requires provision to be made in the state plan for bilingual education programs for adults--see Bilingual Education, Part 5, and see Part 1 above and Part 5 below.

Sec. 605 provides for the establishment of a clearinghouse on adult education (see Information Dissemination/Clearinghouses, Part 8) and Sec. 606 provides for the establishment of state advisory councils--see Advisory Councils, Part 7.

(4) Education of the Handicapped (Title VI, Sec. 616, p. 101)

An authorization of $1 million in fiscal 1975, and such sums as may be necessary for fiscal 1976-77, is provided to the Commissioner for grants for the development of specially designed or modified regional programs of vocational, technical, postsecondary or adult education for deaf or other handicapped persons--see Special Education, Part 5. Grants may be made to postsecondary institutions and other appropriate nonprofit education agencies. Priority is to be given to: (1) programs serving multistate regions or large population centers; (2) programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and (3) programs designed to serve areas where a need for such services is clearly demonstrated.

ADULT EDUCATION (Continued)

(5) Amendments to the Vocational Education Act (Title VIII, Sec. 841, pp. 123-127)

Sec. 841 provides grants for bilingual vocational education programs--see Vocational Education, Part 5a. These programs are to be coordinated with the bilingual adult education programs described in Part 3 above and with the bilingual education programs provided for in the Bilingual Education Act--see Part 1 above.

(6) Extention of Advisory Council (Title VIII, Sec. 845, p. 129)

The National Advisory Council on Adult Education (created by the Adult Education Act, Sec. 310) is extended until July 1, 1978.

ADVISORY COUNCILS

(1) Compensatory Education (Title I, Sec. 101, p. 14)

LEAs are required to establish advisory councils for each school receiving assistance under Title I as well as a district-wide advisory council. Each advisory council must be composed of members selected by the parents in each school attendance area, with a majority being parents of children assisted by Title I. The councils must be given responsibility for advising the LEA in the planning, implementation and evaluation of Title I projects and must be provided access (in accordance with regulations of the Commissioner) to appropriate information concerning Title I programs and projects.

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, pp. 26-28)

The Act provides for the creation of a 15-member National Advisory Council on Bilingual Education. Eight members are to be experienced in dealing with the educational problems of children and other individuals with limited English speaking ability, one of whom must be a member of a board of education operating bilingual programs. Three members are to be experienced in training teachers for bilingual programs, two are to have general experience in elementary or secondary education and two are to be classroom teachers with demonstrated ability in using bilingual methods and techniques. The members are to be representative of significant population groups with limited English speaking ability and the geographic areas in which they reside (p. 27).

The Council is to meet at the call of the chairman (who is to be designated by the Secretary), but not less than 4 times a year. It is to advise the Commissioner in the preparation of regulations and with respect to policy matters. The Council is to prepare a report (p. 28) for submission to the President and Congress on the condition of bilingual education and on the administration of bilingual programs--see Studies and Reports, Part 2.

The Council is also to assist the Commissioner in the preparation of a report on bilingual education (pp. 26-27). The Commissioner is to secure the temporary services of personnel as needed and to make available to the Council staff, information and other assistance.

(3) Consolidation (Title IV, Sec. 401, p. 55, 56, 57)

The SEA is to develop a plan (see State Plans, Part 1) for the consolidated funds provided for in Sec. 401 of Title IV, Part A (Libraries and Learning Resources), and Part B (Educational Innovations and Support) (see Grants and Grant Provisions, Part 4a). The SEA is to develop and implement the state plan with the advice and assistance of a state advisory council (p. 55). The plan is to provide for the evaluation of all programs funded under Parts B and C by the state advisory council on an annual basis (p. 56) and the advisory council is also required to submit an annual report to the SEA for additional comment and submission to the Commissioner (p. 57)--see Studies and Reports, Part 3. The results of the evaluations are to be disseminated (p. 56)--see Information Dissemination/Clearinghouses, Part 3. The advisory council is also to provide for the adoption, wherever possible, of promising educational practices developed through the innovative programs funded under Part C, (p. 56)--see Innovation and Support, Part 1.

The advisory council is to be appointed by the SEA and is to be broadly representative of the cultural and educational resources of the state. It is to include persons representative of public and private elementary and secondary schools, postsecondary institutions and professional persons with competence in special education, bilingual education and guidance and counseling.

The council is to be appointed at least 90 days prior to the beginning of the fiscal year for which funding is sought and it is to meet within 30 days of its creation. The council is to have at least one public meeting per year. The Act provides for the hiring of clerical, professional personnel and contracted services on the part of the council, to be paid for from funds provided to SEAs for the administration of the state plan--see Grants and Grant Provisions, Part 4a.

(4) The Special Projects Act (Title IV, Sec. 402-410, pp. 61-73)

(a) The Act contains provisions for community school programs (Sec. 405, pp. 66-68). The Secretary is to appoint a Community Education Advisory Council (p. 67) to be housed in the Office of the Commissioner. The Council is to be composed of eleven members to be appointed by the Secretary. A substantial number of the members are to be experienced in the operation of, and training of personnel for, community education programs. It is to include representatives from various disciplines involved in providing services in community school programs--see

Community Schools, Part 1. The Council is to advise the Commissioner on policy matters relating to community schools and during fiscal 1975 on policy guidelines and regulations for the operation and administration of the programs funded (p. 68). It is also to be responsible for the evaluation of those programs and program evaluations are to be submitted to Congress annually (p. 68).

(b) The Act also provides for the appointment by the Secretary of the National Advisory Council for Career Education (pp. 69-70). The Council is to be composed of twelve members who are broadly representative of the field of education, the arts, the humanities, the sciences, community services, business and industry and the general public. A majority are to be engaged in education or education-related professions. Non-voting members of the Council are also provided for as follows: the Assistant Secretary for Education of HEW, the Commissioner, the Director of the Office of Career Education (see Career Education, Part 1), the Director of NIE, the Administrator of NCES, the Director of NSF, the Chairman of the National Foundation for the Arts, the Chairman of the National Foundation for the Humanities and the Chairman of the National Advisory Council for Vocational Education.

The Secretary is to select the Chairman of the Council from among the public members. Members are to serve for three year terms with not more than four seats rotating in any one year. The Commissioner is to provide staff and funds for the Council as necessary.

The Council is to advise the Commissioner on the implementation of the career education projects funded under the Act and to review their operation as well as the operation of any other education programs which have a bearing on career education. They are to advise the Commissioner on the need for further legislative remedies so that all citizens may benefit from the purposes of career education. The Council is to conduct a survey and assessment of career education needs in the United States--see Studies and Reports, Part 4c.

(c) Under Sec. 408 of Title IV (the Women's Educational Equity Act of 1974) provision is made (p. 72) for the establishment in OE of the Advisory Council on Women's Educational Programs. The Council is to be composed of 17 members to be appointed by the President with the advice and consent of the Senate. Students are to be included and members are to be broadly representative of the general public who are versed in the role and status of women in American society. The Chairman of the Civil Rights Commission, the Director of the Women's Bureau of the Department of Labor and the Director of the Women's Action Program of HEW are to be members of the Council. Membership in the council is to be rotating and the Council is to elect its own chairman.

The Council is to advise the Commissioner with respect to general policy matters relating to the administration of programs funded under this section, including the allocation of funds. The Council is also to advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women. Finally, the Council is to prepare an annual report based on the evaluation of programs and projects funded under this section and to review a study on sex discrimination in education to be prepared by the Commissioner--see Studies and Reports, Part 4d.

(5) Statistics (Title V, Sec. 501, pp. 73-74)

The Act provides for the establishment of an Advisory Council on Education Statistics to be composed of seven members appointed by the Secretary and following ex officio members: the Commissioner, the Director of NIE, the Director of the Census and the Commissioner of Labor Statistics, with the Assistant Secretary serving as a non-voting presiding officer. Appointed members are to serve for three year terms on a rotating basis and not more than four members can be members of the same political party. Six members are required for a quorum.

The Council is to meet four times a year and whenever three members request in writing that a meeting be held. It is to review general policies for the operation of NCES and to be responsible for establishing standards to insure that the statistics and analysis disseminated are of high quality and are not subject to political influence--see Statistics, Part 1.

(6) Education Administration (Title V, Sec. 516-518, p. 92)

Sections 516-518 are concerned with amending existing legislation (the General Education Provisions Act) regarding advisory councils. Provision is made that if a vacancy on a Presidential advisory council is not filled by the President within sixty days, the Secretary is to fill the vacancy immediately. Provision is also made to amend existing legislation with respect to the compensation of members of advisory councils.

(7) Adult Education (Title VI, Sec. 606, pp. 94-95)

This section provides that states are to establish advisory councils on adult education to be appointed by the Governor or, in states where the state board is elected, by the state board. States may designate existing state advisory councils as advisory councils on adult education. Members are to include individuals who are knowledgeable in the field of adult education or who are officials of SEAs or LEAs; have received adult educational services; and are representative of the general public. The membership of the council is to be certified by the Commissioner. The council is to meet within thirty days after certification and to select a chairman. The council

is to meet at least four times a year, and at least one meeting is to be a public meeting. The advisory council is authorized to obtain the services of professional, technical and clerical personnel.

The advisory council is to advise the SEA on the development of the state plan for adult education, (see State Plans, Part 3) long-range planning and the evaluation of adult education programs, services and activities receiving federal assistance. The council is also to prepare and submit an annual report (see Studies and Reports, Part 6) of its recommendations, with commentary from the SEA included, to the National Advisory Council for Adult Education (previously established under the Adult Education Act, Sec. 310).

(8) Education of the Handicapped (Title VI, Sec. 613, p. 97)

Sec. 613 provides for the continuation of the National Advisory Committee on Handicapped Children until July 1, 1977. Authorization for the Committee is $100,000 for each fiscal year from fiscal 1974 through fiscal 1977.

(9) The National Reading Improvement Program (Title VII, Sec. 705, pp. 107-108 and Sec. 714, p. 109)

(a) The Act provides funds for reading improvement programs at the elementary and preelementary levels (see Reading, Part 2a). In order to receive grants, SEAs are required to establish an advisory council on reading (pp. 107-108) which is broadly representative of the education resources of the state and of the general public and which includes persons representative of: (1) public and private nonprofit elementary and secondary schools; (2) postsecondary institutions; (3) parents of elementary and secondary school children; and (4) areas of professional competence relating to reading instruction. The SEA is required to authorize the council to receive and designate priorities among applications for grants: (1) when the SEA desires to receive grants or; (2) when LEAs or child care institutions (and nonprofit preelementary education agencies) advise the SEA of their desire to receive a grant.

(b) Funds are also provided (p. 109) for state administered reading improvement programs (see Reading, Part 2b). To receive funds, states are required to establish a state advisory council on reading whose members are to be appointed by the SEA. Members are to be representative of public and private nonprofit elementary school children, postsecondary institutions, parents of elementary school children and individuals with professional competence in areas related to reading instruction. The advisory council is to advise the SEA on: (1) the formulation of a standard of excellence for reading programs in the elementary schools; (2) the preparation of, and policy matters arising in the administration of, the state program; (3) criteria for approval of grant applications; and (4) evaluation of the reaults of the state program.

(10) The White House Conference on Education (Title VIII, Sec. 804, p. 115)

The Act provides for a National Conference Committee, composed of 35 members (15 are to be appointed by the President, 10 by the President pro tempore of the Senate and 10 by the Speaker of the House). A chairman and vice-chairman are to be selected at the first meeting of the Committee. The Committee is to provide for the planning of the conference to be held in 1977, and is to prepare a final report on the conference (see Studies and Reports, Part 9). The Committee is also authorized to provide assistance for state and local conference activities in preparation for the national conference (see Miscellaneous, Part 2). A Conference Director is to be appointed by the Committee as well as needed professional, technical and clerical personnel. The Commissioner is to support the activities of the Committee by providing technical assistance and advice. Members are to serve without compensation but may receive travel expenses.

(11) Amendments to the Higher Education Act (Title VIII, Sec. 831, p. 120)

The Act provides for the extension of the National Advisory Council on Extension and Continuing Education through June 30, 1975.

(12) Amendments to the Vocational Education Act (Title VIII, Sec. 841, pp. 123-124)

Sec. 841 provides $17.5 million for fiscal 1975 for vocational education programs for students of limited English speaking ability (see Vocational Education, Part 5a). It also contains amendments to Sec. 104 of the Vocational Education Act which provide that persons of limited English speaking ability are to be included as members of the National Advisory Council on Vocational Education and that states may include, where appropriate, students of limited English speaking ability as members of the state advisory councils required by the Vocational Education Act.

(13) Extensions (Title VIII, Sec. 845, p. 129)

Sec. 845 extends the following national advisory councils until July 1, 1978: (1) The National Advisory Council on Disadvantaged Children (ESEA Title I, Sec. 148); (2) The Advisory Committee on the Education of Bilingual Children (ESEA Title VII, Sec. 708); (3) The National Advisory Council on Indian Education (Education Amendments of 1972, Title IV, Sec. 442); and (4) The National Advisory Council on Adult Education (Adult Education Act, Title III, Sec. 310).

In addition, the National Advisory Council on Supplementary Centers and Services (ESEA Title III, Sec. 309) is extended until July 1, 1978, but it is not to continue to exist after the consolidation of ESEA Title III into the Educational Innovation and Support Program of Title IV (scheduled for fiscal 1976) (See Innovation and Support, Part 1). The National Advisory

Council on Equality of Educational Opportunity (Emergency School Aid Act, Title VII of the Education Amendments of 1972, Sec. 716) is extended until July 1, 1975.

APPLICATIONS (Also see State Plans)

(1) Compensatory Education (Title I, Sec. 101, pp. 13-15)

Subsections 5 and 6 of Sec. 101 amend Sec. 141 of ESEA which is concerned with application requirements for Title I. The following amendments are made: (1) grants must be used to meet the excess costs of programs for disadvantaged children; (excess costs are defined as those which exceed the average per-pupil expenditure of the LEA as a result of Title I programs and which include the acquisition of equipment, bonus salary payments to teachers, teacher training costs, planning costs and, where necessary, the construction of school facilities); (2) provisions for the inclusion of children attending non-public schools are expanded (see Non-Public School Children, Part 1); (3) amendments are made to allow LEAs which do not meet the requirements of the Act to receive Title I funds in some instances (see Desegregation, Part 1); (4) LEAs are required to make provision for parental advisory councils in each Title I school as well as district-wide advisory councils (see Advisory Councils, Part 1); and (5) Congressional encouragement is given to the development by LEAs of individualized written instructional plans (see Individualized Instructional Plans, Part 1).

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, p. 23)

LEAs may apply for funds under this Act either independently or jointly with institutions of higher education (see Postsecondary Education, Part 1). The application must include a description of proposed program activities and evidence that these activities will make substantial progress toward making bilingual programs available to children in the area having need of them. (Also see Advisory Councils, Part 2, and Grants and Grant Provisions, Part 2).

(3) Impact Aid (Title III, Sec. 305, pp. 46-47)

Applications providing information regarding the number of A and B students enrolled must be submitted by the LEA to the SEA for transmittal to the Commissioner (see Grants and Grant Provisions, Part 3). The application must contain assurances that children residing on Indian lands will participate in the school program of the LEA on an equitable basis.

(4) Consolidation (Title IV, Sec. 401, p. 56)

Sec. 401 of Title IV provides for the consolidation of a number of existing federal programs into two major areas: Part B (Libraries and Learning

Resources) and Part C (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). LEAs applying for funds for any of the consolidated programs are to submit only one application for all programs. (Also see Part 6b below).

(5) Special Projects Act (Title IV, Sec. 402-410, pp. 61-73)

This Act combines the Cooperative Research Act with seven new categorical programs. LEAs may apply for funds under the following programs:

(a) Metric Education - LEAs may apply for funds for programs designed to prepare students to use the metric system of measurement, but the SEA must be notified of the application and be given a reasonable opportunity to offer recommendations with respect to its approval. (Also see Metric Education, Part 1). Applications must guarantee that programs funded will be administered by or under the supervision of the applicant, must provide for programs which will make a substantial contribution toward achieving the purposes described above, and must provide for program evaluation (p. 64).

(b) Gifted and Talented Children - Both SEAs and LEAs may apply for grants for programs designed to meet the special educational needs of gifted and talented children (see Gifted Children, Part 1). LEAs must notify SEAs of their application and time must be provided for the SEA to offer recommendations regarding its approval. SEAs may administer programs directly or through LEAs (p. 65).

Applications must provide assurances that programs and projects are designed to meet the special educational needs of gifted and talented children and that they will be of sufficient size and quality to make substantial progress toward meeting those needs. They must also provide for information dissemination (see Information Dissemination/Clearinghouses, Part 4a) and for the participation of children attending non-public schools (see Non-public School Children, Part 4).

(c) Community Schools - Both SEAs and LEAs may apply for grants for community education programs (see Community Schools, Part 1). Applications must assure that local community colleges, social, recreational and health groups will be consulted and that the nonfederal share of the cost of such programs will be provided. The application must contain a description of each community education program (p. 67).

(d) Career Education - Grants are to be made available to LEAs, SEAs, postsecondary institutions and private organizations for model programs in the area of career education. Grants must be consistent with the following policies: (1) every child should, by the time he has completed secondary school, be prepared for gainful or maximum employment in our society according to his or her ability; (2) it is

the obligation of each LEA to provide that preparation for all children (including handicapped children and all other children who are educationally disadvantaged) within the school district; and (3) each SEA and LEA should carry out a program of career education which provides every child the widest variety of career education options (p. 68). No formal application requirements are provided (but see State Plans, Part 2).

(e) Consumer Education - Application procedures are not specified.

(f) Women - The Commissioner is authorized (p. 71) to make grants to, and enter into contracts with, public agencies and private non-profit organizations and individuals for activities designed to achieve educational equity for women at all level of education (preschool through adult education inclusive). The following activities are included: (1) the development, evaluation and dissemination by the applicant of curricula, textbooks and other educational materials related to educational equity; (2) preservice and inservice training for educational personnel, including guidance and counseling, with special emphasis on programs and activities designed to improve educational equity; (3) research, development, and educational activities designed to advance educational equity; (4) guidance and counseling activities, including the development of nondiscriminatory tests, designed to assure educational equity; (5) educational activities designed to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women; and (6) the expansion and improvement of educational programs and activities for women in vocational education, career education and educational administration.

(g) The Arts - no specific application procedures are included.

(6) Education Administration (Title V, pp. 73-93)

(a) Sec. 508 of Title V (p. 83) provides for the review of decisions by SEAs with respect to programs administered in accordance with state plans--see Administration - Federal, Part 3g.

(b) Sec. 511 (pp. 86-88) provides for the use of a simplified state application for all state administered programs. The application is to contain assurances of efficient administration, fiscal control and accounting, reporting and guarantees that federal funds will not be used to supplant non-federal funds.

In addition, the application must include an annual program plan which is to contain descriptions of the purposes for which federal funds are to be expended and which will be in compliance with applicable

statutes. Provisions are made for judicial review. SEAs are required to furnish information and reports to the Commissioner on the use of federal funds--see Studies and Reports, Part 5c.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)

(a) Title VII provides funds for elementary and preelementary projects designed to overcome reading deficiencies (see Reading, Part 2a). Applications for funding (pp. 106-107) must include the following provisions: (1) for a program of diagnostic testing to identify preelementary and elementary children with reading deficiencies or conditions which can be expected to impede or prevent the child's learning to read; (2) for the planning and establishment of comprehensive reading programs; (3) for programs of reading instruction for underachieving children; (4) for preservice and inservice training programs (see Personnel Training, Part 7); (5) for the participation of the school faculty, school board members, administration, parents and students in reading-related activities which stimulate an interest in reading and are conducive to reading improvement; (6) for parent participation in the development and implementation of the program for which assistance is sought; (7) for LEA school board participation in the development of programs; (8) for periodic testing of elementary children to determine changes in reading achievment and, for preelementary children, a test of reading proficiency at the end of the first grade program; (9) for the publication of test results by grade level (without identification of individual children); (10) for guaranteeing the availability of individual tests to parents and guardians; (11) for participation of children in nonpublic schools (see Nonpublic School Children, Part 6a); (12) for the use of bilingual education methods (see Bilingual Education, Part 6); (13) for the involvement of leaders of the cultural and educational resources of the area; and (14) for the collection of information on preelementary children to be made available to teachers in the subsequent year in order that continuity for the individual child will not be lost.

In addition, each applicant must provide assurances (p. 107) that appropriate measures have been taken to analyze the reasons for reading deficiencies and has developed a plan setting forth specific objectives, including the goal of having the children in project schools reading at the appropriate grade level at the end of the third grade. Finally, provisions are to be made for the coordination of preelementary programs with the reading programs of the schools which the children involved will attend.

The state advisory council established by the Act (see Advisory Councils, Part 9a) is to receive and establish priorities among applications for grants. The Act provides (p. 108) that all applica-

tions must be approved by the SEA and SEAs must supervise compliance by the LEA with the 14 requirements listed above.

(b) the Act also provides funds for state administered reading improvement programs (pp. 108-111). Federal funds are provided to states to be distributed by the state as grants to LEAs, postsecondary institutions and other public and private non profit institutions (see Grants and Grant Provisions, Part 7b). The states, rather than applying for these funds, enter into a legal agreement through the SEA with the Commissioner. (Provision is made for judicial review, p. 111). The agreement provides that the SEA will be the sole administrator of the agreement and that the SEA will appoint a state advisory council on reading--see Advisory Council, Part 9b.

The agreement is also to contain: (1) descriptions of the individual programs for which funding is sought; (2) procedures for the submission of applications by LEAs; (3) criteria for achieving an equitable distribution of funds within the state (see Grants and Grant Provisions, Part 7b); (4) criteria for the selection and training of personnel (see Personnel Training, Part 7b); (5) provisions for the coordination and evaluation of programs (see Program Evaluation, Part 4); (6) provision for the dissemination of information on the objectives and the results of the program (see Information Dissemination/Clearinghouses, Part 9); (8) provision for an annual report to the Commissioner (see Studies and Reports, Part 8); (9) provision that not more than 5% of the state's allotment will be used for administration; and (10) provision that programs will be of sufficient size, scope and quality to give reasonable promise of substantial progress (pp. 109-110).

(c) The Act also provides funds for special emphasis projects (pp. 111-112). The first of these are intensive reading programs. LEAs desiring to receive funds for these projects must submit an application to the Commissioner which contains all of the 14 provisions listed in Part (a) above for reading improvement projects. The SEA must approve the application and certify that individuals employed as reading specialists and reading teachers are qualified--see Reading, Part 2c.

The other two special emphasis projects are concerned with the development of training programs for elementary teachers who intend to become reading specialists or reading teachers and the establishment of reading academies (see Reading, Part 2c). No requirements for applications are included--see Grants and Grant Provisions, Part 7c.

(8) The White House Conference on Education (Title VIII, Sec. 804, p. 116)

Grants of $25,000-$75,000 are available to the states to meet part of the expenses of the states' participation in the White House Conference on Education in accordance with their respective need for assistance. They may

be used for conferences at the state and local level in preparation for the national conference (see Miscellaneous, Part 2). Governors are to apply for these grants and the Act provides that each of the territories and Puerto Rico are to be considered states.

(3) Amendments to the Vocational Education Act (Title VIII, Sec. 841, pp. 123-127)

Sec. 841 provides funds for bilingual vocational education and bilingual vocational training (see Vocational Education, Parts 5a and 5b, and Grants and Grant Provisions, Part 8c). Application procedures for bilingual vocational education programs are those contained in Sec. 123 of Title I of the Vocational Education Act. (Also see Vocational Education, Part 5a).

Applications for bilingual vocational training programs (see Vocational Education, Part 5b) are to be submitted to the Commissioner with the approval, comments and recommendations of the state board. Applications are to: (1) contain guarantees that the program will be administered by the applicant; (2) set forth a program to achieve the objectives of the grant program; and (3) set forth a program of such size, scope and design as will make a substantial contribution toward carrying out the purposes of this part. Applicants may include LEAs, SEAs and a variety of other agencies (p. 125)--see Grants and Grant Provisions, Part 8c.

ARTS

(1) The Special Projects Act (Title IV, Sec. 409, p. 73)

The Act provides for a program of grants and contracts to encourage SEAs and LEAs to establish programs in which the arts are an integral part of elementary and secondary school programs. The Act authorizes not less than $750,000 per fiscal year for each year funding is available for the program. Arrangements are to be made by the Commissioner with the John F. Kennedy Center for the Performing Arts in Washington, D. C. for these programs.

BILINGUAL EDUCATION

(1) The Bilingual Education Act (Title I, Sec. 105, pp. 20-29)

Sec. 105 amends Title VII of ESEA (the Bilingual Education Act). This section provides grants to LEAs for elementary and secondary programs designed to meet the needs of children with limited English speaking ability (children whose families do not speak English, children not born in the U.S. or whose native language is not English). The Act provides that preschool programs (see Early Childhood, Part 2) and supplementary programs may also be funded. Programs may be established for adults--

particularly for the parents of children participating in bilingual programs--see Adult Education, Part 1.

These programs must provide instruction in the child's native language and the child must also receive instruction in English. A limited number of English speaking students may enroll in these programs in order to acquire an understanding of the cultural heritage of non-English speaking children, but not to acquire a foreign language. Instruction is to be provided which is appropriate to the child's age and educational attainment, and must be given with appreciation of the child's cultural heritage. In subjects such as art, music and physical education, children in bilingual programs are to attend regular classes.

(2) Desegregation (Title II, Sec. 204, p. 32)

The failure of an LEA to take appropriate action to overcome language barriers that impede participation by its students in its instructional programs is considered to be an unlawful practice.

(3) Consolidation (Title IV, Sec. 401, p. 55 and p. 57)

Funds for the consolidated programs provided in Part B of Sec. 401 of Title IV (see Grants and Grant Provisions, Part 4a) are to be distributed to LEAs in accordance with a state plan and on the basis of the relative school-aged population (5-17) of the LEA. However, greater amounts are to be provided to LEAs with the greatest numbers of children whose education imposes a higher than average cost per child--such as children from low income families, children living in sparsely populated areas, and children from families in which English is not the dominant language.

The state advisory council required by Sec. 401 of Title IV must include in its membership professional persons with competence in bilingual education (p. 57).

(4) The Special Projects Act (Title IV, Sec. 404, p. 66)

This Act provides funds for the establishment and operation of model projects for the identification and education of gifted and talented children, including programs of bilingual education--see Model Programs, Part 3a.

(5) Adult Education (Title VI, Sec. 607, pp. 95-96)

The Adult Education Act is revised to include provisions for bilingual education programs for adults in which instruction is given in English and in the native language of the students to the extent necessary to allow them to progress effectively through the adult education program. These programs are to be coordinated with programs funded under the Bilingual

Education Act (see Part 1 above) and vocational bilingual education programs funded under the Vocational Education Act (see Vocational Education, Parts 5a and 5b, and Part 7b below).

Provision is also made (Sec. 607, p. 96) for the inclusion of bilingual programs in the special experimental demonstration projects provided for under Sec. 604, p. 94. (See Innovation and Support, Part 4). Sec. 607 also provides that funds may be used for the development of innovative methods, and for the training of personnel, for bilingual education programs--see Grants and Grant Provisions, Part 6a.

(6) The National Reading Improvement Program (Title VII, Sec. 705, p. 107)

The Act provides funds for reading improvement programs at the elementary and preelementary levels (see Reading, Part 2a). In order to receive funds for projects, applicants must provide for the use of bilingual education methods and techniques to the extent consistent with the number of elementary school-age children served by the reading program who are of limited English speaking ability--see Applications, Part 7a.

(7) Postsecondary Education (Title VIII, Sec. 833, pp. 120-121; Sec. 841, pp. 123-127)

(a) Sec. 833 (pp. 120-121) amends Sec. 417B of The Higher Education Act (special programs for students from disadvantaged backgrounds) to provide English language instruction for students of limited English speaking ability--see Postsecondary Education, Part 9.

(b) Sec. 841 (p. 123-127) provides $17.5 million for fiscal 1975 for bilingual vocational education programs for students of limited English speaking ability to be carried out in conjunction with the bilingual education programs described above (Part 1) and bilingual adult educational programs (See Adult Education, Parts 1 and 3 and Part 5 above). It also provides that persons of limited English speaking ability are to be included as members of The National Advisory Council on Vocational Education and that states may include, where appropriate, students of limited English speaking ability as members of the state advisory councils required by the Act--see Advisory Councils, Part 12.

Sec. 841 also provides $17.5 million for fiscal 1975 for bilingual vocational training programs (those which train or retrain individuals with limited English speaking ability for non-professional employment)--see Vocational Education, Part 5b.

BILINGUAL EDUCATION (Continued)

(8) Amendment of The Library Services and Construction Act (Title VIII, Sec. 841, pp. 126-127)

Sec. 841 amends the state plan requirements of the Library Services and Construction Act to provide assurances that priority will be given to projects serving areas with high concentrations of persons with limited English speaking ability, as well as those serving large concentrations of low income families.

(9) Extension of Advisory Council (Title VIII, Sec. 845, p. 129)

The Advisory Committee on the Education of Bilingual Children (ESEA Title VIII, Sec. 708) is extended until July 1, 1978.

CAREER EDUCATION

(1) The Special Projects Act (Title IV, Sec. 404, pp. 61-73)

The Act authorizes $15 million for career education programs for each year through fiscal 1978 (p. 70). Career education is defined as an education process designed: (1) to increase the relationship between schools and societies as a whole; (2) to provide opportunities for counseling, guidance and career development for all children; (3) to relate the subject matter of the curricula of schools to the needs of persons to function in society; (4) to extend the concept of the education process beyond the school into the area of employment and the community; (5) to foster flexibility in attitudes, skills and knowledge in order to enable persons to cope with accelerating change and obsolescence; (6) to make education more relevant to employment and functioning in society; and (7) to eliminate any distinction between education for vocational purposes and general or academic education (p. 69).

Grants are to be made (p. 69) to SEAs, LEAs, postsecondary institutions and other non-profit organizations to establish model career education programs (see Model Programs, Part 3b), including programs for handicapped children (see Special Education, Part 4b). Grants are also to be made available to SEAs (p. 69) for the development of state plans for career education (see State Plans, Part 2). An Office of Career Education is to be established (p. 68) in the Office of Education (see Administration-Federal, Part 2b) and a National Advisory Council for Career Education (p. 69) is to be appointed (see Advisory Councils, Part 4b). An assessment of career education programs and needs (p. 69) is to be made by both the Commissioner and the Council--see Studies and Reports, Part 4c.

The Special Projects Act provides (p. 66) for the development of model projects for the identification and education of gifted and talented children,

including programs in career education (see Model Programs, Part 3a). It also provides grants for career education programs for women (p. 71)--see Applications, Part 5f.

CLEARINGHOUSES -- see Information Dissemination/Clearinghouses

COMMUNITY SCHOOLS

(1) The Special Projects Act (Title IV, Sec. 402, p. 63; Sec. 405, pp. 66-68)

The Act authorizes (p. 68) $15 million per year for fiscal 1976-78 for grants to SEAs and LEAs to pay the federal share of costs for community school programs and $2 million for personnel training programs (see Personnel Training, Part 3b). Fifty per cent of funds are to be paid to SEAs and fifty per cent to LEAs. Grants to SEAs and LEAs are to provide 80% of the cost of establishing new community programs, 65% (in the first year, 55% thereafter) of the cost of expanding existing programs and 40% of the cost of maintaining established programs. In addition, the Act authorizes $2 million for each fiscal year, for fiscal 1976-78, for programs to train persons to plan and operate community education programs (see Personnel Training, Part 3b).

SEAs and LEAs may apply for grants (see Applications, Part 5c) for community education programs--programs in which a public building, including but not limited to public schools and community or junior colleges, is used as a community center operated in conjunction with other community organizations and local governmental agencies, to provide educational, recreational, cultural and other services in accordance with the needs and interests of the community (p. 66). The Commissioner is to insure that there is an equitable geographical distribution of community education programs throughout the nation in both rural and urban areas (p. 68).

The Act further provides that the Commissioner is to establish a clearinghouse on community schools (see Information Dissemination/Clearinghouses, Part 4b) and a Community Education Advisory Council (see Advisory Councils, Part 4a). The Commissioner is also to provide technical assistance and information to community education programs upon request.

(2) Adult Education (Title VI, Sec. 601, p. 93; Sec. 604, p. 94)

Sec. 601 provides a definition of community school programs which is the same as that in paragraph 2 in Part 1 above (p. 93). Sec. 604 provides that 15% of each state's allocation under the Act is to be reserved for special experimental demonstration projects and for teacher training (see Adult Education, Part 3). The definition of special demonstration projects is amended to include programs of adult education which are part of community

school programs, carried out in cooperation with other federal, federally assisted, state or local programs, which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

COMPENSATORY EDUCATION -- see Disadvantaged Children

CONSUMER EDUCATION

(1) The Special Projects Act (Title IV, Sec. 402, p. 63; Sec. 407, p. 70)

The Act creates an Office of Consumers' Education within the Office of Education to be headed by a Director of Consumers' Education appointed by the Commissioner. The Act authorizes $15 million for consumer education programs for each fiscal year through fiscal 1978 (as provided for in Sec. 811, ESEA).

CORRECTION EDUCATION (Title I, Sec. 109, p. 30)

(1) The correction education program established by Sec. 809 of ESEA is extended for FY 1974 and FY 1975. The Act authorizes $500,000 for each fiscal year for this program.

DELINQUENT CHILDREN -- see Neglected or Delinquent Children

DEMONSTRATION PROGRAMS -- see Model Programs, Innovation and Support

DESEGREGATION

(1) Compensatory Education (Title I, Sec. 101, pp. 13-14)

Provisions are included to allow schools that provide services for low-income children that do not reside in their attendance area to be eligible for Title I funds (at the discretion of the LEA). The Act also provides that if the population of the school shifts, so that the concentration of low-income children in the school is reduced, the school remains eligible for Title I funds for a three-year period.

(2) Desegregation (Title II, pp. 31-38)

The following practices of LEAs are described in the Act as unlawful: (1) deliberate segregation; (2) failure to remedy existing deliberate segregation; (3) assignment of students to schools, other than the next closest school, which results in a greater degree of segregation; (4)

discrimination in hiring and employment practices except for the purpose of Part 6 below; (5) transferrance of students within districts which results in a greater degree of segregation; and (6) failure to overcome language barriers that impede the ability of students to participate equally in educational programs. The assignment of students on a neighborhood basis and the failure to achieve a racial balance in the schools do not constitute a denial of equal educational opportunity or equal protection of the laws. A shift of population which results in segregation does not require a desegregation plan or the modification of an existing desegregation program (pp. 32-33).

The Act provides (p. 34) the following list of remedies for segregation in order of priority: (1) assignment of students to the closest school taking into account school capacities and physical barriers; (2) assignment of students to the closest school taking only school capacity into account; (3) voluntary student transfers which would result in a lesser degree of segregation; (4) the creation or revision of attendance zones; (5) the construction of new schools and closing of inferior ones; (6) the construction or establishment of magnet schools; and (7) any other plan which is educationally sound and administratively feasible.

Limitations are placed on courts and agencies of the federal government as follows: (1) students may be transported only to the school closest, or next closest, to his or her home (p. 34); (2) transportation of students may not be required unless all other alternative remedies are inadequate (p. 37); (3) students may not be transported if it poses a risk to the child's health or educational attainment (p. 34); (4) district lines established by the state may not be ignored or altered unless they were drawn for the purpose, and had the effect of, segregation (p. 35, p. 37); (5) court orders may not be implemented until all appeals have been made or until the time for appeals has expired (pp. 36-37) and until the beginning of an academic year (p. 37); and (6) court orders may not be implemented until the LEA has been provided reasonable length of time to develop a desegregation plan (p. 38). The Act further provides (p. 36) that federal funds may not be used for transportation costs or to carry out desegregation plans (except for impact aid funds which are not earmarked for disadvantaged or for handicapped children). The Civil Rights Act of 1964 which stipulates that courts and federal agencies are not empowered to issue orders requiring busing to achieve desegregation applies uniformly to all public schools in the United States (p. 37).

Any individual (or the Attorney General) may institute a civil action when a denial of equal educational opportunity exists in the appropriate U. S. district court (p. 33). The Act also requires that the rules of evidence required to prove that state or local authorities are practicing racial discrimination must be uniform (p. 37). Parents or LEAs may seek to reopen (or intervene in the further implementation of) existing court ordered desegregation programs if transportation constitutes a risk to their child's

DESEGREGATION (Continued)

health or education (p. 35). Busing orders may be terminated if the desegregation program has resulted (and is likely to continue to do so) in compliance with the Fifth and Fourteenth Amendments (p. 35).

(3) Emergency School Aid (Title VI, Sec. 641-646, pp. 104-105)

The Act provides for the extension and amendment of the Emergency School Aid Act. It is extended through fiscal 1976 with the following amendments: (1) the set-aside requirement for metropolitan areas (Sec. 704(b)(1) and Sec. 709 of the Emergency School Aid Act) is repealed; and (2) a program of grants is included for programs in mathematics--see Mathematics, Part 1.

DISADVANTAGED CHILDREN (Title I, a2, Sec. 101, p. 7)

(1) Compensatory Education (Title I, Sec. 101, p. 7)

For the purpose of determining eligibility and allotments for Basic Grants in Title I, the following children are considered to be disadvantaged: (1) children between the ages of 5-17 from families with incomes below the poverty level based on a formula that takes into account family size, head of household, farm/nonfarm location; (2) two-thirds of all children from families above the poverty level as a result of state AFDC payments; (3) children attending locally supported schools who live in institutions for neglected or delinquent children or who are supported by public funds and living in foster homes--see Grants and Grant Provisions, Part 1a.

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, p. 24)

This Act provides that the number of low-income children (as defined above in Part 1) must be taken into consideration in the allocation of the funds for bilingual education authorized under the Act to LEAs within the state--see Grants and Grant Provisions, Part 2.

(3) Impact Aid (Title III, Sec. 305, p. 49, pp. 51-52)

Funds are provided in Title III for children residing in low-rent public housing, to be used for programs and projects designed to meet the special needs of educationally disadvantaged children. These funds, after fiscal 1975, are to replace the Special Grants provided under Title I--see Grants and Grant Provisions, Parts 1d and 3.

(4) Consolidation (Title IV, Sec. 401, p. 55)

Funds for the consolidated programs provided for in Part B of Sec. 401 of Title IV (see Grants and Grant Provisions, Part 4a) are to be distributed to LEAs in accordance with a state plan and on the basis of the relative school-aged population (5-17) of the LEA. However, greater amounts are to be provided

to LEAs with the greatest numbers of children whose education imposes a higher than average cost per child--such as children from low-income families, children living in sparsely populated areas, and children with limited English speaking ability.

(5) The Special Projects Act (Title IV, Sec. 404, p. 66 and Sec. 406, p. 68)

(a) This Act provides funds for the establishment and operation of model projects for the identification and education of gifted and talented children, including programs for educationally disadvantaged children--see Model Programs, Part 3a.

(b) Sec. 406 (p. 68) proclaims it to be the sense of Congress that every child should be prepared for employment, and that it is the obligation of each LEA to provide career education programs for all children, including handicapped children and all other children who are educationally disadvantaged.

(6) Postsecondary Education (Amendments to the Higher Education Act, Title VIII, Sec. 833, pp. 120-121; Sec. 836, pp. 122-123)

Sec. 833 (pp. 120-121) amends Sec. 417B of the Higher Education Act (special programs for students from disadvantaged backgrounds) to provide English language instruction for students of limited English speaking ability. Sec. 836 (pp. 122-123) amends Title IX of the Higher Education Act by providing funds for the training of individuals from disadvantaged backgrounds in the legal profession--see Postsecondary Education, Part 9.

(7) Extension of Advisory Council (Title VIII, Sec. 845, p. 129)

Sec. 845 extends the National Advisory Council on Disadvantaged Children (ESEA Title I, Sec. 148) until July 1, 1978.

DROPOUT PREVENTION

(1) Consolidation (Title IV, Sec. 401, pp. 29-30)

The dropout prevention program established by Title VIII of ESEA is extended until July 30, 1978 (pp. 29-30). However, in fiscal 1976, it is to be consolidated with a number of existing federal programs into Part C of Title IV (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). Under Part C, funds are provided for supplementary educational centers and services, demonstration programs designed to improve nutrition and health services, for programs to strengthen SEAs, and for dropout prevention programs--see Innovation and Support, Part 1.

EARLY CHILDHOOD

(1) Compensatory Education (Title I, Sec. 101, p. 10)

The Act provides that funds provided to states for the children of migratory workers will be used to provide programs to meet the preschool educational needs of such children unless the use of funds for such programs are required by the other programs provided for under the Act--see Migratory Children, Part 1.

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, p. 23)

This Act provides that grants for bilingual education may be used for preschool programs--see Bilingual Education, Part 1.

(3) Impact Aid (Title III, Sec. 305, p. 44)

Funds are provided to meet the special educational needs of handicapped children (see Special Education, Part 2). These funds may be expended for programs (including preschool programs) designed to meet the special needs of such children.

(4) The Special Projects Act (Title IV, Sec. 404, p. 64; Sec. 408, p. 71)

(a) The Act provides for grants (p. 64) for SEAs and LEAs for the development, operation and improvement of programs and projects designed to meet the special educational needs of gifted and talented children, including preschool programs and projects--see Gifted Children, Part 1.

(b) The Act also provides for grants (p. 71) for activities at all levels of education (including preschool) designed to achieve educational equity for women--see Women, Part 1.

(5) Parental and Student Rights (Title V, Sec. 513-515, pp. 88-89)

The provisions of Title V regarding the rights of parents and students apply to agencies offering preschool programs--see Parental and Student Rights, Part 1.

(6) Education of the Handicapped (Title VI, Sec. 614, p. 97; Sec. 617, p. 101)

(a) Sec. 614 provides that, for fiscal 1975 only, grants of $8.75 per child aged 3-21 are authorized in order to assist states in providing education programs for all handicapped children at the preschool, elementary and secondary levels. Funds may be used for the early identification and assessment of handicapping conditions in children under 3 years of age--see Grants and Grant Provisions, Part 6b.

EARLY CHILDHOOD (Continued)

(b) Sec. 617 (p. 101) provides for the extension of Sec. 623 of the Education of the Handicapped Act (Early Education for Handicapped Children). The Act authorized $25.5 million for fiscal 1975, $36 million for fiscal 1976, and $38 million for fiscal 1977.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)

Among the purposes of Title VII listed are those of developing the reading capacity of preelementary school children and improving preelementary school programs in language arts and reading. The Commissioner is authorized to enter into agreement with SEAs, LEAs or nonprofit educational or child care institutions for the carrying out of projects in kindergartens, nursery schools of other preschool institutions (p. 106)--see Reading, Part 2a.

EDUCATIONAL INNOVATIONS -- see Innovation and Support

EQUALIZATION PLANS -- see School Finance

EQUIPMENT -- see Instructional Materials and Equipment

ETHNIC HERITAGE STUDY CENTERS (Title I, Sec. 111, p. 30)

(1) The ethnic heritage study program established by Sec. 907 of ESEA is amended and extended until June 30, 1978.

FORMULAS -- see Grants and Grant Provisions

GIFTED CHILDREN

(1) Special Projects Act (Title IV, Sec. 402, p. 63; Sec. 404, pp. 64-65)

Under the program for Gifted and Talented Children, the Act provides for the establishment of (1) an administrative unit in OE to coordinate the programs and activities for gifted and talented children provided for in the Act, and (2) a national clearinghouse to collect and disseminate information relative to the education of gifted and talented children--see Administration-Federal, Part 2a, and Information Dissemination/Clearinghouses, Part 4a. In addition, the Commissioner is authorized to transfer funds to NIE to conduct research relating to the education of gifted and talented children--see Studies and Reports, Part 4a.

The Act provides for grants to SEAs and LEAs for the development, operation and improvement of programs and projects designed to meet the special educational needs of gifted and talented children at the preschool, elementary and secondary levels--see Applications, Part 5b. Funds may be used for the acquisition of instructional equipment, for training programs (See Personnel Training, Part 3a) and for model programs and projects--see Model Programs, Part 3a. Funding of $12,250,000 is authorized for these programs, for each year through fiscal 1978.

GRANTS AND GRANT PROVISIONS

(1) Compensatory Education (Title I, Sec. 101, pp. 5-18)

(a) Basic Grants (special educational programs and projects for educationally deprived children, pp. 5-8). Grants are paid to LEAs in accordance with the number of children aged 5-17 with annual income below the poverty level (based on 1970 census data and a formula which takes into account the size of the family, head of household and farm/nonfarm location) plus 2/3 of the number of children (5-17) in families with incomes above the poverty level as a result of AFDC payments, plus the number of children (5-17) living in institutions for neglected or delinquent children or in foster homes but supported with public funds. The number of such children is multiplied by 40% of the state average per-pupil expenditure or 40% of 80% of the national average per-pupil expenditure if that amount is greater than the state's average per-pupil expenditure, or 40% of 120% of the national average per-pupil expenditure if that amount is less than the state average per-pupil expenditure (p. 6).

If a school district educates a substantial number of disadvantaged children that reside in a different district, the SEA may distribute funds among districts in a manner which will best carry out the purposes of Title I (p. 6). A "hold harmless" provision guarantees that LEAs will receive at least 85% of its allocation for the preceding year (p. 16). An authorization of $15.7 million is also included to assist LEAs whose allotment is less than 90% of its preceding year allotment (p. 18). These funds are to be distributed at the discretion of the Commissioner.

(b) State Operated Programs - (programs for handicapped, migratory and neglected and delinquent children, pp. 8-11). Grants are paid to the states in accordance with the number of such children residing in the states, multiplied by the same percentages used for determining the Basic Grants described in 1(a) above.

(c) Special Incentive Grants - (provide an incentive for tax effort.)* Provides that $50 million be reserved from the authorization for Basic Grants to be distributed to states whose tax effort for education exceeds the national average for the preceding year.

(d) Special Grants - (for districts with high concentrations of educationally disadvantaged children, pp. 13-14). Grants are provided for school districts located in counties in which the number of disadvantaged children is twice the state average, or in which the number equals 10,000 and constitutes 5% of the total number of children in

*Since these grants are being continued without amendment, their provisions do not appear in PL 93-380. They appear in Title I of ESEA.

the county. The amount of the grant is determined by multiplying the number of disadvantaged children in the LEA by 50% of the state average per-pupil expenditure. No payments for any fiscal year to the LEAs of a single state may exceed 12% of the aggregate payments to all LEAs in that year.

The sum of $75 million is authorized by the bill for fiscal 1975 for Special Grants and grants to LEAs are to be ratably reduced if they exceed that amount (p. 13). The authorization is for fiscal 1975 only, after which it is anticipated that these funds will be replaced by impact aid funds for children residing in public housing--see Disadvantaged Children, Part 3.

When two LEAs serve the same geographical area, or when one LEA serves a substantial number of disadvantaged children who reside in another LEA, the Commissioner may allocate the number of children between the LEAs (for the purpose of determining grants) in the manner which will best achieve the purpose of these grants (p. 12).

(2) Bilingual Education (Title I, Sec. 105, pp. 20-29)

The Act authorizes $135 million for fiscal 1974, $135 million for fiscal 1975, $140 million for fiscal 1976, $150 million for fiscal 1977 and $160 million for fiscal 1978 for programs authorized (p. 21). A portion of appropriated funds must be reserved for training programs--see Personnel Training, Part 2. In addition, the following sums are authorized for the provision of technical assistance by SEAs to bilingual programs: $6,750,000 for fiscal 1974; $7,250,000 for fiscal 1975, $7,750,000 for fiscal 1976, $8,750,000 for fiscal 1977 and $9,750,000 for fiscal 1978.

The Act also provides (pp. 23-24) that funds must be distributed equitably within the state in accordance with the geographical incidence and relative need of children with limited English speaking ability. The Commissioner and SEA officials also must take into consideration the numbers of low-income children (see Disadvantaged Children, Part 2) among the children to be served and the relative ability of the LEA to provide bilingual programs.

State programs for the coordination of technical assistance to programs of bilingual education are to be approved by the Commissioner (p. 24). State programs are also to contain assurances that federal funds will be used to supplement (rather than supplant) state funds for bilingual education. States are to be reimbursed for administrative expenditures, but not in excess of 5% of total grants to the LEAs within the state.

(3) Impact Aid (Title III, pp. 38-52)

Impact aid funds are provided to LEAs for two categories of students--A students, whose parents both live and work on federal property, and B students, whose parents live or work on federal property, but not both. Children who live in low-rent public housing are to be counted as A or B students (see Disadvantaged Children, Part 3) and so are the children of refugees (as defined in the Migration and Refugee Assistance Act of 1962) if they constitute 20% or more of total enrollment (pp. 40-41). No LEA is to receive less funding as the result of including public housing children (pp. 51-52).

Payments to districts are based on the number of A and B children enrolled multiplied by a percentage of the "local contribution rate" (50% of the state or national average per-pupil expenditure, whichever is greater, see p. 45). (See Puerto Rico Part 3, and Territories, Part 2). The percentages are: (a) 100% for all A students if they constitute 25% or more of the district's enrollment, 90% if they do not; (b) 100% for A military students and Indian children; (c) 50% for B military students; (d) 45% for B civilian students whose parents reside in the county in which the LEA is located; and (e) 40% for B civilian students whose parents reside outside the county but within the state, pp. 40-43. Provisions are included for reductions in payments necessitated by appropriations (pp. 47-48). Several "hold harmless" provisions are included. In particular, all school districts are to receive 90% of their previous years' entitlement if impact aid funds constitute 90% or more of their current expenditures (80% if they do not).

Further provision is made for a decline in the number of students counted as A or B students and for increasing payments to districts with inadequate state-local resources (see School Finance, Part 2a). Funds are also made available for handicapped children of military parents--see Special Education, Part 2. States are prohibited from counting impact aid payments as local resources when determining state aid payments unless the state has adopted a program designed to equalize expenditures for education within the state--see School Finance, Part 2b.

(4) Consolidation of Certain Education Programs (Title IV, Sec. 401-410, pp. 52-73)

(Title IV contains two separate programs. The first program, Sec. 401, provides for the consolidation of a number of existing federal programs into two categories: Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support). The second program, Sec. 402-410, (the Special Projects Act) combines the Cooperative Research Act with seven new categorical programs.)

(a) Sec. 401 authorizes (p. 52) $395 million for fiscal 1976, and such sums as are necessary for the two succeeding fiscal years, for programs which are currently funded under ESEA Title II (the school library program), part of ESEA Title III (the guidance and counseling program) and NDEA Title III (the equipment program). All three programs are to be consolidated into a Libraries and Learning Resource program (Part B) in fiscal 1976, providing that the appropriation for that year is at least as great as the fiscal 1973 or fiscal 1974 appropriation (whichever was greater) and providing that the fiscal 1976 appropriation is forward funded.

The second part of Section 401 provides for the consolidation of the remainder of ESEA Title III (innovation), ESEA Title VIII (dropout prevention, health and nutrition programs) and ESEA Title V (aid to strengthen state departments of education) into a program of Educational Innovation and Support (Part C). This consolidation is also to take place in fiscal 1976 under the same funding provisos listed above for Part B. The Act authorizes $350 million for fiscal 1976, and such sums as are necessary for the two succeeding fiscal years, for Part C of the consolidated program (p. 53).

In fiscal 1975 each of the programs is to be funded categorically according to existing practices and at the same levels they received in fiscal 1973 or 1974, whichever was higher. In fiscal 1976, the first year of consolidation, 50% of the appropriation of Part B and Part C is to be distributed categorically as in fiscal 1975, and distributed between programs in the same proportionate amounts as they received in fiscal 1975. The remaining 50% is to be distributed to the states for redistribution to LEAs in accordance with a state plan (see State Plans, Part 1). These funds must be used for programs designed to carry out the objectives of Part B and Part C. LEAs are to have complete discretion in dividing the funds among Part B programs, p. 55, (other than the 50% reserved for categorical funding during the first year). LEAs are to apply for funds with one consolidated application form--see Applications, Part 4.

In fiscal 1977 and 1978 all funds are to be consolidated and distributed to the states in accordance with the relative size of their school aged population--after 1% of the total appropriation is set aside for the territories, Indian children and overseas military dependents. Unused funds are to remain available for reallotment (pp 54-55). Funds are to be distributed in accordance with the state plan which is to be developed by the SEA with the advice and assistance of a state advisory council--see Advisory Councils, Part 3.

Several additional funding provisions are included under Part C. Of the total appropriation for Part C, fifteen per cent (or the amount received in fiscal 1973, whichever is greater) is to be reserved for

programs designed to strengthen SEAs (Title V of ESEA). Of the remaining appropriation, fifteen per cent is to be reserved for programs for handicapped children and children with specific learning disabilities. During the first year of consolidation, SEAs may reserve for administration 5% of their appropriation (after deducting 15% of the appropriation for Part C for programs for strengthening SEAs) or the amount received under categorical funding during the preceding year, whichever is greater. Under full consolidation, the SEA may use for the administration five per cent of the total appropriation (after reserving 15% for programs designed to strengthen SEAs), or $225,000, whichever is greater. The expenditures of the state advisory councils are included in the costs of administering the state plan. (Also see Territories, Part 3). The Act prohibits the commingling of state and federal funds and requires that state funds expended for programs described under Part B must not be less than they were during the preceding year (pp. 56-57).

(b) The Special Projects Act (Title IV, Sec. 402-410, pp. 61-73)

The Special Projects Act combines the existing Cooperative Research Act with seven new categorical grant programs: (1) Education for the Use of the Metric System; (2) Gifted and Talented Children; (3) Community Schools; (4) Career Education; (5) Consumers' Education; (6) Women's Equity in Education; and (7) Arts in Education. The Act authorizes $200 million for these purposes and requires that 50% of the total appropriation be reserved for the seven categorical programs. The reserved funds are to be divided between programs in the same proportion as the amounts authorized under the individual programs (see Metric Education, Gifted Children, Community Schools, Career Education, Consumer Education, Women and Arts). The Commissioner is to submit an expenditure plan to Congressional education committees for review. Either committee may disapprove the plan, which must then be revised and resubmitted.

(5) Education Administration (Title V, pp. 73-93)

(a) Grants are authorized to carry out the objectives of NCES (p. 74)--see Statistics, Part 1.

(b) Sections 505-506 provide for the continuation of education programs for one year after their authorizing legislation expires if Congress fails to act, and provides that appropriated funds which have not been obligated during a given fiscal year are to remain available for obligation during the succeeding fiscal year. Grants to the Education Division (OE, NIE, NCES) are not to exceed $7.5 billion in fiscal 1975, $8 billion in fiscal 1976 and $9 billion in fiscal 1977 (pp. 78-80)--see Administration-Federal, Parts 3e and 3f.

(6) Extension and Revision of Education Programs (Title VI, pp. 93-105)

(a) Adult Education (Title VI, Sec. 601-609, pp. 93-96)

The grant program authorized under the Adult Education Act is amended and extended through June 30, 1978. The Act authorizes $150 million

each for fiscal 1974 and 1975, $175 million for fiscal 1976 and $200 million each for fiscal 1977 and 1978. The Act provides that states are to receive at least 90% of their 1973 entitlement each year through fiscal 1978 (p. 96).

Sec. 602 (p. 93) provides that the Commissioner's discretionary funds, reserved for demonstration projects and teacher training, are no longer to be reserved by the Commissioner for these purposes but are to be paid directly to the states. However, Sec. 604 (p. 94) provides that 15% of the individual state's allotment is to be reserved for these purposes--see Innovation and Support, Part 4, Personnel Training, Part 4.

Under Sec. 603, states are required to reserve 20% of their allotment for high school equivalency programs which lead to a certificate of graduation. Another 20% of the state's allocation is to be reserved for programs for institutionalized persons (pp. 93-94).

(b) Education of the Handicapped (Title VI, Sec. 611-621, pp. 96-102)

Sec. 614 (p. 97-98) provides that, for fiscal 1975 only, grants of $8.75 per child, aged 3-21, are authorized in order to assist states in providing education programs for all handicapped children at the preschool, elementary and secondary levels. Funds may be used for the early identification and assessment of handicapping conditions in children under 3 years of age.

The Act provides (p. 98) that 2% of total appropriations are to be reserved for the territories (including Puerto Rico) and that 1% of total appropriations are to be reserved for Indian children (see Puerto Rico, Part 4, Territories, Part 4 and Indian Children, Part 5). State entitlements are to be ratably reduced if appropriations are less than full entitlements (Sec. 612, p. 98). States are required to modify state plans (see State Plans, Part 4a) in order to receive grants under Sec. 614.

The Act authorizes $100 million for programs in fiscal 1976; $110 million is fiscal 1977 (p. 99). No state is to receive less than $300,000 (or three-tenths of 1% of appropriations, whichever is greater). The state plan must be modified to receive grants during fiscal 1976-77--see State Plans, Part 4b. Provision is made for payments of $100,000 per year for the support of the National Advisory Committee on Handicapped Children (p. 97). Funds for administration of state plans are to be increased from $100,000 to $200,000 for any fiscal year in which the appropriation for state grants is $45 million or more (p. 100).

Sections 616-617 (p. 101) provide for the extension of programs currently authorized under Part C of the Education of the Handicapped Act (Centers and Services for the Handicapped), and for the establishment of regional education programs for deaf and other handicapped persons. Grants may be made to postsecondary institutions and other appropriate non-profit education agencies. Priority is to be given to: (1) programs serving multistate regions or large population centers; (2) programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and (3) programs designed to serve areas where a need for such services is clearly demonstrated.

Sections 618-621 provide for the extension of other programs authorized under the Education of the Handicapped Act (see Personnel Training, Part 5; Innovation and Support, Part 5; Instructional Materials, Part 4; Special Education, Part 5d; Early Childhood, Part 6b; Program Evaluation, Part 3).

(c) Indian Education (Title VI, Sec. 631-632, pp. 102-104)

The Act provides grants to postsecondary institutions, Indian organizations and tribes for personnel training (including inservice training) to prepare individuals to teach and administer programs designed to meet the special educational needs of Indian children. Fellowships and traineeships are to be made available for personnel training. The Act authorizes $2 million per year for fiscal 1975-78--see Personnel Training, Part 6.

The Act also provides for fellowships for Indian students at the graduate level (pp. 103-104). Two hundred fellowships per year, for fiscal 1975-78, are authorized--see Postsecondary Education, Part 6.

(d) Emergency School Aid (Title VI, Sec. 644, p. 105)

The Act provides grants for mathematics programs as an amendment to the Emergency School Aid Act--see Mathematics, Part 1.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)

(a) Title VII provides funds (pp. 106-108) for reading improvement programs at the elementary and preelementary levels (see Reading, Part 2a). SEAs, LEAs and other public and private non-profit educational agencies may apply for these funds (see Applications, Part 7a). The Commissioner is to distribute funds equitably throughout the United States and among urban and rural areas. No state is to expend more than 12-1/2 percent of all funds expended (p. 108).

(b) The Act also provides funding for state administered reading improvement programs (pp. 108-111). These programs are to be funded only if funding levels for the reading improvement projects described above and the state administered reading improvement programs combined exceed $30 million, and then only with the excess above $30 million. Funding for these programs is not authorized until fiscal 1976 (p. 108). Authorizations for the reading improvement programs and the state administered programs combined are $30 million for fiscal 1975, $82 million for fiscal 1976, $88 million for fiscal 1977 and $93 million for fiscal 1978 (p. 113).

The Act requires the Commissioner to set aside one percent of funds appropriated for these programs for the territories and provides that Puerto Rico is to be treated as a state (p. 109). Funds are to be allotted to the states in accordance with the relative numbers of school aged children, aged 5-12. (These programs are for the elementary level only). No state is to receive less than $50,000 and unexpended funds are to be made available for reallotment.

Not less than 60% of the amount allotted to the state is to be made available by the state for grants to LEAs (p. 110). Grants to LEAs are to be based on: (1) the relative size of the population to be served; (2) the relative needs of pupils in different population groups within the state; and (3) the financial ability of the LEA. Priority is to be given to LEAs already receiving federal assistance for reading programs which show reasonable promise of success. The state is required to provide grants to LEAs with high concentrations of children with low reading proficiency and to provide for an equitable distribution of funds among rural and urban areas. LEAs are required to include children in nonpublic schools in reading improvement programs (see Nonpublic School Children, Part 6b). Grants are also to be made available by the state to postsecondary institutions and other public and private nonprofit institutions. Five percent of the state's allotment may be retained by the state for the costs of administering programs (p. 110).

(c) The Act also provides for special emphasis projects. The intensive reading projects (pp. 111-112) are the first of these. Grants are to be made available to LEAs for individual schools providing intensive reading programs (see Applications, Part 7c). The Act authorizes (p. 113) $15 million for fiscal 1975, $20 million for fiscal 1976, and $25 million each year for fiscal 1977-78--see Reading, Part 2c.

The second project funded (p. 112) is for the development of courses and study materials for elementary teachers desiring to become reading specialists or reading teachers (see Reading, Part 2c, Postsecondary Education, Part 7c). The programs are to be shown on public educational television and the

Commissioner, before entering into grants and contracts for these purposes, is to confer with reading authorities, specialists in the use of communications media and with SEAs and LEAs participating in projects funded under this title. The Act authorizes $3 million for fiscal 1975 for these purposes and unexpended funds are to remain available for obligation in the succeeding fiscal year (p. 113).

The third, and last, of the special emphasis projects is the provision of reading academies for youths and adults who would not otherwise receive instruction (p. 112). The Commissioner is authorized to enter into grants and make contracts with SEAs, LEAs, postsecondary institutions, community organizations and other nonprofit organizations having the capacity to furnish reading assistance. The Act authorizes $5 million for fiscal 1975, $7.5 million for fiscal 1976, and $10 million each year for fiscal 1977 and fiscal 1978 for this purpose.

(d) The Commissioner is authorized to reserve 1% of total appropriations for program evaluations (p. 113). These evaluations are to be included in the Commissioner's annual report--see Studies and Reports, Part 8.

(8) Miscellaneous Provisions

(a) White House Conference on Education (Title VIII, Sec. 804, pp. 114-116)

The Act authorizes grants to the states of not less than $25,000 and not more than $75,000 in order to assist in meeting the costs of the state's participation in a proposed White House Conference on Education in 1977 (p. 116).

(b) Postsecondary Education (Amendments to the Higher Education Act, Title VIII, Sec. 836, pp. 122-123)

Funds are provided for grants to, and contracts with, agencies and institutions other than postsecondary institutions, for the preliminary training of individuals from disadvantaged backgrounds intending to begin training in the legal profession--see Postsecondary Education, Part 9.

(c) Amendments to the Vocational Education Act (Title VIII, Sec. 841, pp. 123-127)

(i) Sec. 841 authorizes (p. 123) $17.5 million for fiscal 1975 for bilingual vocational education programs for persons with limited English speaking ability (see Vocational Education, Part 5a). Provisions for these grants are included in Title I of the Vocational Education Act).

(ii) Sec. 841 also authorizes $17.5 million for fiscal 1975 for bilingual vocational training programs. The Commissioner is authorized to:

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(1) make grants to, and enter into contracts with appropriate state agencies, LEAs, postsecondary institutions, private nonprofit vocational training institutions and to other nonprofit organizations especially created to serve non-English speaking individuals; and to (2) enter into contracts with profit-making agencies for bilingual vocational training programs for all individuals, of all ages, who desire and need such training (p. 125). The Secretary is to pay each applicant the amount equal to the sum expended by the applicant for the purposes described in the application--see Applications, Part 9.

(d) Equalization Plans (Title VII, Sec. 842, pp. 127-128)

The Act provides that states may be reimbursed for the development or administration of a state plan designed to equalize educational opportunity within the state (see School Finance, Part 5). Grants are to be based upon the relative population of the state, and they are not to be less than $100,000 or to exceed $1 million (p. 128).

GUIDANCE AND COUNSELING

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

The Guidance and Counseling program contained in Title III of ESEA is extended through June 30, 1978 (p. 19). However, in fiscal 1976 it is to be consolidated with a number of existing federal programs into Part B of Title IV (Libraries and Learning Resources)--see Grants and Grant Provisions, Part 4a.

Under Part B, grants are to be made for the acquisition of school library resources, textbooks, instructional materials, equipment, testing programs and guidance and counseling programs. These programs and projects are intended to replace ESEA Title II (school library program), part of ESEA Title III (guidance and counseling) and NDEA Title III (equipment) and may be used only for the same purposes and the same types of programs.

Funds are to be distributed in accordance with a state plan which is to be developed by SEAs with the advice and assistance of a state advisory council, (see State Plans, Part 1, and Advisory Councils, Part 3). The membership of the advisory council is to include, among others, professional persons with competence in the area of guidance and counseling.

(2) The Special Projects Act (Title IV, Sec. 406, p. 69 and Sec. 408, p. 71)

(a) The Act provides funding for programs in career education. Guidance and

counseling are included as an integral part of career education--see Career Education, Part 1.

(b) Under Sec. 408 (the Women's Educational Equity Act of 1974) provision is made (p. 71) for activities including "guidance and counseling activities, including the development of nondiscriminatory tests," (see Applications, Part 5f). Guidance and counseling is also to be included in preservice and inservice programs for training educational personnel--see Personnel Training, Part 3c.

HANDICAPPED CHILDREN -- see Special Education

HEALTH AND NUTRITION

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

The health and nutrition programs provided for in Title VIII of ESEA are extended through June 30, 1978 (p. 30). However, in fiscal 1976 they are to be consolidated with a number of existing federal programs into Part C of Title IV (Innovation and Support)--see Grants and Grant Provisions, Part 4a.

Under Part C, funds are provided for supplementary educational centers and services, demonstration programs designed to improve nutrition and health services, programs to strengthen SEAs, and for dropout prevention programs. These programs and projects are intended to replace ESEA Title III (innovation), ESEA Title VIII (dropout prevention, health and nutrition programs) and ESEA Title V (strengthening state departments of education) and may be used only for the same purpose and the same types of programs (pp. 60-61).

(2) Study of Athletic Injuries (Title VIII, Sec. 826, p. 120)

The Secretary is required to conduct a study of athletic injuries and deaths resulting from participation in, or preparing to participate in, athletic competition between schools at the secondary and postsecondary levels (see Studies and Reports, Part 12). Schools with athletic trainers, or other medical or health professional personnel trained to prevent or treat such injuries are to be compared with schools which do not have such personnel.

HIGHER EDUCATION -- see Postsecondary Education

IMPACT AID

(1) Extension (Title III, pp. 38-52)

PL 815, which provides assistance for school construction in federally

impacted areas is amended and extended until June 30, 1978 (p. 38). PL 874 which provides in-lieu-of-tax payments to federally impacted areas is also extended through June 30, 1978 (p. 39)--see Grants and Grant Provisions, Part 3.

INDIAN CHILDREN

(1) Compensatory Education (Title I, Sec. 101, p. 5, p. 8)

The Department of the Interior is to receive funds from the Office of Education to meet the special educational needs of disadvantaged Indian children living on reservations and attending Department of Interior schools.

The bill reserves 1% of all funds authorized under Title I for disadvantaged children (see Grants and Grant Provisions, Part 1a) for the territories and for Indian children. School districts that provide educational programs for out-of-state Indian children, under special contract with the Department of the Interior, may receive grants from the Department in the amount of 40% of the state average per-pupil expenditure or 120% of the national average per-pupil expenditure, whichever is greater.

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, pp. 24-25)

The Act provides that grants for bilingual education may be provided to schools operated predominantly for Indian children and to the Secretary of the Interior for bilingual programs for Indian children living on reservations. The Secretary of the Interior is to prepare an annual report and conduct an assessment of the needs of Indian children for bilingual education programs--see Studies and Reports, Part 2, and Information Dissemination/ Clearinghouses, Part 2.

(3) Impact Aid (Title III, Sec. 305, pp. 46-47)

LEAs must guarantee that children residing on Indian lands will be included in the school program on an equitable basis (see Applications, Part 3). Indian children are classified as A students for the purpose of determining impact aid payments--see Grants and Grant Provisions, Part 3.

(4) Consolidation (Title IV, Sec. 401, p. 54)

A set-aside of 1% of the consolidated appropriations for Libraries and Learning Resources (Part B) and for Educational Innovation and Support (Part C) is to be reserved for the territories, Indian children (in Department of Interior schools), and overseas dependents of military personnel (in Department of Defense schools)--see Grants and Grant Provisions, Part 4a.

INDIAN CHILDREN (Continued)

(5) Education of the Handicapped (Title VI, Sec. 614, p. 98)

Sec. 614 authorizes grants of $8.75 for each child aged 3-21 to assist states in providing educational programs for all handicapped children (for fiscal 1975 only). The Act provides that 1% of total appropriations be reserved for handicapped Indian children on reservations attending Department of Interior elementary and secondary schools--see Special Education, Part 5b.

(6) Indian Education (Title VI, Sec. 631-632, pp. 102-104)

Sec. 631 provides for the extension of Sec. 810g of ESEA (grants to improve educational opportunity for Indian children) and Sec. 303(a)(1) of PL 874 (the Indian Education Act) through fiscal 1978. Sec. 810g is amended to require the inclusion of children enrolled in nonpublic schools in programs funded (see Nonpublic School Children, Part 5). Sec. 303 is amended to increase the percentage of funds reserved for Indian controlled schools from 5% to 10%.

The Indian Education Act is also amended to provide $2 million per year (fiscal 1975-1978) for teacher training grants (see Personnel Training, Part 6) and authorization for 200 fellowships to Indian students for graduate study--see Postsecondary Education, Part 6.

(7) Extension of Advisory Council (Title VIII, Sec. 845, p. 129)

The National Advisory Council on Indian Education (Education Amendments, Title IV, Sec. 442) is extended until July 1, 1978.

INDIVIDUALIZED INSTRUCTIONAL PLANS

(1) Compensatory Education (Title I, Sec. 101, p. 14)

It is the intent of Congress to encourage, where feasible, the development for each educationally deprived child participating in a Title I program an individualized written educational plan (maintained and periodically evaluated) agreed upon jointly by the LEA, a parent or guardian of the child and, when appropriate, the child.

INFORMATION DISSEMINATION/CLEARINGHOUSES

(1) Compensatory Education (Title I, Sec. 101, p. 17)

Programs for disadvantaged children funded through Title I are to be evaluated (see Program Evaluation, Part 1). Program evaluation results are to be published and disseminated to SEAs, Title I LEAs, the education

profession and the general public. Exemplary programs, projects, methods and techniques are to be identified.

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, pp. 20-29)

The Commissioner is required to develop models for programs in bilingual education (see Models Programs, Part 2) which are to be published and distributed (p. 22). The Commissioner and the Director of NIE are to conduct a study (see Studies and Reports, Part 2) which is to include the development and dissemination of instructional materials and equipment for bilingual programs (p. 29).

A national clearinghouse on bilingual education is to be established through contracts negotiated by the Commissioner and the Director of NIE with private or public agencies, institutions or organizations. The clearinghouse is to collect, analyze and disseminate information concerning bilingual education and related programs (p. 29).

(3) Consolidation (Title IV, Sec. 401, p. 55)

Under Sec. 401 of Title IV, SEAs are required to develop a state plan (see State Plans, Part 1) for the distribution of funds for Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). The state plan is to be developed and implemented with the advice and assistance of a state advisory council (see Advisory Councils, Part 3) and is to include provision for the dissemination of evaluations by the state advisory council of all programs and projects funded through Parts B and C.

(4) Special Projects Act (Title IV, pp. 61-73)

(a) The act provides for a national clearinghouse for the collection and dissemination of information relative to the education of gifted and talented children (p. 64). The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

The act also provides for grants to be made to SEAs and LEAs for programs for gifted and talented children. The application for such funds must contain assurances that, among other things, the applicant will acquire and disseminate information derived from educational research, demonstration and pilot projects, new educational practices and techniques, and the evaluation of the programs or projects--see Applications, Part 5b.

Finally, NIE is required to carry out a research program in the area of educating gifted and talented children--see Studies and Reports, Part 4a. Provision is made for information dissemination.

(b) The Special Projects Act also provides (Sec. 405, p. 67) for the establishment of a national information clearinghouse to gather and disseminate information pertaining to community education programs--see Community Schools, Part 1. The Commissioner is authorized to contract with public or private agencies for the establishment and operation of the clearinghouse and, in cooperation with the clearinghouse, to provide technical assistance for community education programs. The clearinghouse is to be established within three months after the enactment of the law.

(c) Under the Women's Educational Equity Act of 1974 (Title IV, Sec. 408, pp. 71-72), provision is made for the development, evaluation and dissemination of curricula, textbooks and other educational materials related to educational equity for women. Provision is also made for an annual report, to be prepared by the Commissioner, containing an evaluation of programs funded under this section, to be submitted to the Congress, the President and the Advisory Council on Women's Educational Programs--see Advisory Councils, Part 4c. The report is to be distributed to all interested groups and individuals--see Studies and Reports, Part 4d.

(5) Statistics (Title V, Sec. 501, pp. 73-75)

Provision is made for the establishment of NCES in the office of the Assistant Secretary--see Statistics, Part 1. Among the functions of NCES is that of collecting, collating and, from time to time, reporting full and complete statistics on the conditions of education in the United States (p. 73). NCES is also required to conduct and publish reports on specialized analysis of the meaning and significance of such statistics. Standards are to be developed and enforced to protect the confidentiality of individuals, but not institutions, receiving federal grants or contracts (p. 74).

On March 1 of each year the Assistant Secretary is to submit a report to Congress which contains an account of the activities of NCES, sets forth the estimated cost of projected activities and which includes a statistical report on education for the preceding two years and a projection for the next three years of estimated education statistics (p. 74).

(6) Regional Offices (Title V, Sec. 503, p. 77)

The act provides for regional offices of OE to serve as centers for the dissemination of information about the activities of the agencies in the Education Division and for the provision of technical assistance to SEAs, LEAs, postsecondary institutions and other organizations.

(7) Parental and Student Rights (Title V, Sec. 513, p. 90)

The Secretary is to adopt appropriate regulations to protect the rights

of parents and students in connection with any federal surveys or data gathering activities. Regulations are to include provisions controlling the use, dissemination and protection of such data. Provision is also made to require that all survey and data collection activity of federal agencies must be authorized by law.

(8) Adult Education (Title VI, Sec. 605, p. 94)

The Commissioner is to establish a clearinghouse on adult education to collect and disseminate to the public information on adult education and ways of coordinating adult education with manpower programs and other educational programs--see State Plans, Part 3. The Commissioner is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse.

(9) The National Reading Improvement Program (Title VII, Sec. 714, p. 110)

The act provides funds for state administered reading improvement programs--see Reading, Part 2b. In order to receive funds, the state must provide for the dissemination to the educational community and the general public of information about the objectives of the program and results achieved--see Applications, Part 7b.

(10) Bilingual Vocational Training (Title VIII, Sec. 841, p. 125)

The Commissioner and the Secretary of Labor are to develop and disseminate information on the status of bilingual vocational training and to evaluate the impact of such training on the unemployment and underemployment of persons with limited English speaking ability. Findings are to be reported annually to the President and the Congress.

INNOVATION AND SUPPORT

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

The innovative programs provided for in Title III of ESEA are extended through June 30, 1978 (pp. 19-20). However, in fiscal 1976 they are to be consolidated with a number of existing federal programs into Part C of Title IV (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). Sec. 845 (p. 129) provides that the National Advisory Council on Supplementary Centers and Services (ESEA Title III, Sec. 309) is extended until July 1, 1978, but that it is not to continue to exist after consolidation takes place.

Under Part C, funds are provided for supplementary educational centers and services, demonstration programs designed to improve nutrition and health services, programs to strengthen SEAs, and for drop-out prevention programs. These programs and projects are intended to replace ESEA Title III (innovation) ESEA Title VIII (dropout prevention, health and

nutrition programs) and ESEA Title V (strengthening state departments of education) and may be used only for the same purposes and the same type of programs (pp. 60-61).

(2) The Special Projects Act (Title IV, Sec. 408, pp. 71-72)

Sec. 408 (The Women's Educational Equity Act of 1974) provides for a program of small grants (not to exceed $15,000 each) to support innovative approaches to achieving educational equity for women.

(3) Compilation of Innovative Programs (Title V, Sec. 508, pp. 82-83)

This section requires the Assistant Secretary to compile a listing, indexed according to subject, descriptions and location, of all federally assisted innovation programs--see Administration-Federal, Part 3g.

(4) Adult Education (Title VI, Sec. 602, p. 93, Sec. 604, p. 94 and Sec. 607, pp. 95-96)

The Adult Education Act provided that 10-20 percent of appropriations were to be reserved for special experimental projects and teacher training. Sec. 602 of Title VI repeals this provision, but Sec. 604 provides that 15 percent of each state's allotment is to be reserved for these purposes--see Grants and Grant Provisions, Part 6a.

Special experimental projects are defined as those which: (1) involve the use of innovative methods (p. 94), including methods for educating persons of limited English speaking ability (Sec. 607, p. 95), systems, and materials, which may have national significance or be of special value in promoting effective adult education programs, or (2) involve programs of adult education (p. 94) including education for persons with limited English speaking ability (Sec. 607, p. 96), which are part of community school programs carried out in cooperation with other federal, federally assisted, state or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies. (For the definition of community school programs, see Community Schools, Part 1). (Also see Bilingual Education, Part 5).

(5) Education of the Handicapped (Title VI, Sec. 617, 619, 620, pp. 101-102)

A number of innovative programs originally funded under the Education of the Handicapped Act, were extended through fiscal 1977 with the following authorizations: (1) experimental preschool programs (Sec. 623)--$25.5 million for fiscal 1975, $36 million for fiscal 1976 and $38 million for 1977; (2) research and demonstration projects (Sec. 644, p.102)-$15 million for fiscal 1975, $20 million for fiscal 1976, $20 million for fiscal 1977; (3) media and instructional materials (Sec. 654, p. 102)--$18 million for fiscal 1975, $22 million for fiscal 1976,

$22 million for each succeeding year thereafter. (Also see Special Education, Part 5d).

(6) The National Reading Improvement Program (Title VII, pp. 105-113)

Title VII provides funds for reading projects at the elementary and preelementary level--see Reading, part 2a. The projects are to use innovative methods and materials (p. 106).

INSTRUCTIONAL MATERIALS AND EQUIPMENT

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

Provisions under Title II of ESEA (library resources, textbooks and instructional materials) and Title III of NDEA (equipment) are extended (p. 18 and p. 105 respectively). However, in fiscal 1976 they are to be consolidated with a number of existing federal programs into Part B of Title IV (Libraries and Learning Resources). (See Libraries and Learning Resources, Part 2 and Grants and Grant Provisions, Part 4a).

(2) The Special Projects Act (Title IV, Sec. 402-410, pp. 61-73)

(a) Under Sec. 404, which provides funds for programs for gifted and talented children, provision is made for the purchase of instructional equipment if such equipment is necessary to enhance the quality or effectiveness of the program (p. 65).

(b) Several provisions are contained in Sec. 406, career education, which would require a review of instructional materials used in career education programs (p. 69).

(c) Activities funded under Sec. 408, Women's Educational Equity Act of 1974, include the development, evaluation and dissemination of curricula, textbooks and other educational materials related to educational equity for women (p. 71).

(3) Parental and Student Rights (Title V, Sec. 514, p. 91)

Sec. 514 of Title V provides that all instructional materials used in connection with research or experimental programs are to be available for inspection by parents--see Parental and Student Rights, Part 1.

(4) Education of the Handicapped (Title VI, Sec. 620, p. 102)

The media and instructional materials programs originally funded under the Education of the Handicapped Act (Sec. 654) are extended. The act authorizes $18 million for fiscal 1975, $22 million for fiscal 1976 and $22 million for each succeeding fiscal year thereafter for these programs.

INSTRUCTIONAL MATERIALS AND EQUIPMENT (Continued)

(5) The National Reading Improvement Program (Title VII, Sec. 722, p. 112)

The Commissioner is authorized to make grants to, or enter into contracts with, postsecondary institutions, public and private institutions and individuals for the development of training programs for elementary teachers who intend to become reading teachers or reading specialists--see Reading, Part 2c. These programs are to be broadcast on public educational television and information and study course material is to be developed to be used in conjunction with them.

INSTRUCTIONAL PLANS (See Individualized Instructional Plans)

LIBRARIES AND LEARNING RESOURCES

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

Title II of ESEA (library resources, textbooks and other instructional materials) is extended through June 30, 1978 (pp. 18-19). However, in fiscal 1976 it is to be consolidated with a number of existing federal programs into Part B of Title IV (Libraries and Learning Resources). (See Grants and Grant Provisions, Part 4a).

Under Part B, grants are to be made for the acquisition of school library resources, textbooks and instructional materials. Funds may also be used for the acquisition of instructional equipment, for testing programs and for counseling and guidance. These programs and projects are intended to replace ESEA Title II (school library programs), part of ESEA Title III (guidance and counseling) and NDEA Title III (equipment) and may be used only for the same purposes and the same types of programs (pp. 59-60).

(2) General Administrative Provisions (Title V, Sec. 519, p. 93)

Sec. 519 provides for the establishment in OE of an Office of Libraries and Learning Resources through which the Commissioner is to administer all OE programs related to libraries, information centers and education technology. The office is to be headed by a Director.

(3) Amendment of The Library Services and Construction Act (Title VIII, Sec. 841, pp. 126-127)

The state plan required by The Library Services and Construction Act (Sec. 6b) is amended to contain assurances that priority will be given to projects serving areas with high concentrations of persons with limited English speaking ability (as well as those serving large concentrations of low income families).

MANPOWER DEVELOPMENT (See Vocational Education, Career Education)

MATHEMATICS

(1) Emergency School Aid (Title VI, Sec. 644, p. 105)

The Emergency School Aid is extended through fiscal 1976 with several amendments--see Desegregation, Part 3. A program is provided which authorizes the Commissioner to make grants to, and enter into contracts with, one or more private, nonprofit agencies, institutions or organizations, in cooperation with one or more LEAs, for special programs for the teaching of standard mathematics through instruction in advanced mathematics by qualified teachers (bachelor's degree in math or equivalent).

MEDIA (See Instructional Materials and Equipment, Innovation and Support)

METRIC EDUCATION

(1) Special Projects Act (Title IV, pp. 62-64)

The Commissioner is authorized to carry out a program of grants and contracts in order to encourage educational agencies and institutions to prepare students to use the metric system of education. Grants and contracts may be awarded to postsecondary institutions, SEAs, LEAs and other public and nonprofit agencies, organizations and institutions--also see Applications, Part 5a. The Commissioner is authorized to spend $10 million for each fiscal year prior to fiscal 1978 for this purpose--see Grants and Grant Provisions, Part 4b.

MIGRATORY CHILDREN

(1) Compensatory Education (Title I, Sec. 101, pp. 9-11)

Grants are provided to states (or a combination of states), or to other public or nonprofit private agencies, to be used for programs and projects designed to meet the special educational needs of the children of migratory workers (agricultural workers or fishermen). These projects must be coordinated with projects in other states and pertinent information, with respect to the school records of such children, must be transmitted as needed. Provision is made for preschool programs provided that adequate funding is available for needed programs for regular school-aged children.

Grants are to be based on the number of full-time migratory children (or the full-time equivalency of part-time migratory children, multiplied by 40 percent of the state average per-pupil expenditure. However, if the state average per-pupil expenditure is below 80 percent or above 120 percent of the national average per-pupil expenditure, the amount for each child will be 40 percent of 80 percent or 120 percent respectively, of the national average per-pupil expenditure--see Grants and Grant

MIGRATORY CHILDREN (Continued)

Provisions, Part 1b. The act provides that the Commissioner may use statistics made available by the migrant student record transfer system in determining the actual number of migrant students. Children who attend programs in the area of the same local agency for a period of over five years are not considered migratory. A "hold harmless" provision guarantees that states will receive 100 percent of the amount received during the preceding fiscal year.

MILITARY CHILDREN

(1) Impact Aid (Title III, Sec. 305, pp. 40-41)

The children of a parent on active duty in the uniformed services may be counted for impact aid purposes as category A children (parents live on federal property) or category B students (parents do not live on federal property). (See Grants and Grant Provisions, Part 3).

(2) Consolidation (Title IV, Sec. 401, p. 54)

A set aside of one percent of the consolidated appropriations for Libraries and Learning Resources (Part B) and Educational Innovation and Support (Part C) is to be reserved for the territories, Indian children (in Department of Interior schools) and overseas dependents of military dependents (in Department of Defense schools). (See Grants and Grant Provisions, Part 4a).

MISCELLANEOUS PROVISIONS

(1) Policy Statement on Museums (Title VIII, Sec. 803, p. 114)

Declares that it is the sense of Congress that museums be considered educational institutions and that the cost of their educational services be more frequently borne by educational agencies and institutions benefiting from those services.

(2) White House Conference on Education (Title VIII, Sec. 804, pp. 114-116)

One of the major objectivesof the proposed conference, which is scheduled to be held in 1977, is the compilation of a report containing the findings and recommendations of a broadly representative group of citizens--see Studies and Reports, Part 9.

States are to participate in preparing for the conference and are authorized to hold state and local conferences in preparation for the national conference. These preliminary conferences are to give special

consideration to: (1) the problems of equalizing educational opportunity and the means by which educational systems are financed; (2) preschool education; (3) the teaching of communication skills at the elementary level and the effectiveness of career education at the secondary level; (4) occupational training and manpower requirements; (5) postsecondary education; (6) special programs; (7) adult education; and (8) the role of nonpublic schools. Grants are to be provided to the states, upon application by the Governor, for the costs of state participation--see Grants and Grant Provisions, Part 8a. The act also provides for the establishment of a National Conference Committee (see Advisory Councils, Part 10) and for appointment of a Conference Director.

(3) Constitutionality of Titles I and IV (Title VIII, Sec. 846, p. 130)

If the provisions or amendments (or the application of provisions or amendments) of Titles I or IV are held invalid by reason of being inconsistent with the Constitution, the remaining provisions and amendments which are separable from those invalidated are to remain in effect.

MODEL PROGRAMS

(1) Compensatory Education (Title I, Sec. 101, pp. 16-17)

The Commissioner is to provide SEAs with models for the evaluation of programs funded under Title I. The models are to include uniform procedures and criteria to be used by LEAs and SEAs in evaluating programs--also see Information Dissemination/Clearinghouses, Part 1.

(2) Bilingual Education (Title I, Sec. 105, p. 22)

The Commissioner, after receiving recommendations from SEAs, LEAs and groups and organizations involved in bilingual education, is to establish, publish and distribute suggested models with respect to pupil-teacher ratios, teacher qualifications and other factors affecting the quality of instruction in bilingual programs.

(3) The Special Projects Act (Title IV, Sec. 404, p. 66)

(a) This act provides for the Commissioner to make contracts with public and private agencies and organizations for model projects for the identification and education of gifted and talented children (including such activities as career education, bilingual education, special education and programs for disadvantaged children). The act provides that not more than 15 percent of the authorization for programs for gifted and talented children is to be used for these projects. The act also provides for a study to

be undertaken by NIE relative to gifted and talented children--see Studies and Reports, Part 4a. Provision is made for the inclusion of experimental and model schools in the study.

(b) Grants are provided to SEAs and LEAs, postsecondary institutions and private organizations to support model demonstration projects in the area of career education (p. 69). The projects are to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models, including model programs for handicapped children--see Special Education, Part 4b.

MUSEUMS (See Miscellaneous Provisions)

NATIONAL CENTER FOR EDUCATION STATISTICS (NCES) (See Statistics, Part 1)

NEGLECTED OR DELINQUENT CHILDREN

(1) Compensatory Education (Title I, Sec. 101, p. 11)

For children in state supported institutions for neglected or delinquent children, or adults in adult correctional institutions, the state is to receive grants equal to 40 percent of the state average per-pupil expenditure. However, if the state average per-pupil expenditure is less than 80 percent or more than 120 percent of the national average per-pupil expenditure, the amount will become 40 percent of 80 percent or 120 percent, respectively, of the national average per-pupil expenditure--see Grants and Grant Provisions, Part 1b. Grants must be used to provide programs or projects designed to meet the special educational needs of such children/adults. A "hold harmless" provision guarantees that the state will receive 100 percent of the amount received during the preceding fiscal year.

NON-PUBLIC SCHOOL CHILDREN

(1) Compensatory Education (Title I, Sec. 101, pp. 14-15)

LEAs are required to provide for the special educational needs of disadvantaged children attending private schools in proportion to their numbers within the district. Arrangements for such children may include dual enrollment, educational radio and television and mobile educational services and equipment. If the LEA is prohibited by law, or simply fails to provide for the special educational needs of such children, the Commissioner is required to do so (paying the

cost from the district's Title I allocation).

(2) Bilingual Education (Title I, Sec. 105, p. 24)

Provision must be made for the inclusion of children with limited English speaking ability attending private schools in areas served by programs funded under this act.

(3) Consolidation (Title IV, Sec. 401, pp. 58-59)

Sec. 401 of Title IV provides for the consolidation of existing federal programs into Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). Funds appropriated for programs under Parts B and C must be used for the benefit of children attending private schools in proportion to their numbers. These funds are to be used for secular, neutral and nonideological services, materials and equipment (including the repair, remodeling or construction of school facilities). If state law prohibits the inclusion of such children, or if state-local officials fail to include such children, the Commissioner is authorized to make provisions for them with funds from the state appropriation. The state plan (p. 557) must provide for the inclusion of such children or certify that such requirements cannot be legally met--see State Plans, Part 1.

(4) The Special Projects Act (Title IV, Sec. 404, p. 65)

The act provides that SEAs and LEAs applying for grants for programs for gifted and talented children must make provision for the participation of children enrolled in nonpublic elementary and secondary schools--see Applications, Part 5b.

(5) Indian Education (Title VI, Sec. 632, p. 103)

Sec. 810 of ESEA, which provides grants for improving educational opportunity for Indian children, is extended by the act. Provision is made prohibiting the Commissioner from making grants under Sec. 810 until he is satisfied that, to the extent possible, the number of eligible children to be served enrolled in private non-profit schools whose needs are of the type the program is intended to meet are included on an equitable basis.

(6) The National Reading Improvement Program (Title VII, pp. 105-113)

(a) The act provides funds for reading improvement programs at the elementary and preelementary levels--see Reading, Part 2a. To receive funds, applicants must provide for the participation on an equitable basis of children with reading deficiencies enrolled

in private non-profit elementary schools (p. 107). (See Applications, Part 7a). Children attending non-profit educational or child care institutions are provided for at the preelementary level--see Early Childhood, Part 7. The act further provides (p. 107) that persons representative of public and private non-profit elementary and secondary schools be included as members of the state advisory councils established by the act--see Advisory Councils, Part 9a.

(b) Funds are also provided for state administered reading improvement programs--see Reading, Part 2b. The funds allotted to the state are to be made available by the state for grants to LEAs, postsecondary institutions and other public and private non-profit institutions (p. 110). Children enrolled in nonpublic schools are to be included on an equitable basis in programs funded (pp. 110-111) in accordance with the provisions of Sec. 141A of ESEA, pp. 14-15--see Part 1 above. (See Grants and Grant Provisions, Part 4b). To receive funds, the state is required to establish a state advisory council on reading which includes in its membership representatives of public and private non-profit elementary schools (p. 109). Finally, the state is required, among other things, to provide for the training of personnel (see Personnel Training, Part 7b), including training for private elementary school personnel (p. 110).

NUTRITION (See Health and Nutrition)

PARENTAL AND STUDENT RIGHTS

(1) Education Administration (The Family Educational Rights and Privacy Act of 1974--The Buckley Amendment--Title V, Sec. 513-515, pp. 88-91)

Sec. 513 of Title V is concerned with the protection and privacy of parents and students. It prohibits the payment of funds to any SEA, LEA, school, agencies providing preschool programs, postsecondary institution or any other educational institution which prevents parents from inspecting any official records or data directly related to their children. Recipients of federal assistance are required to develop procedures for granting requests by parents for access to their child's school records within a reasonable length of time (not longer than 45 days). Parents are to be provided the opportunity of a hearing to challenge the contents of their child's school records.

Sec. 513 also prohibits the payment of federal funds to any school, agency or institution that furnishes personally identifiable school records without the written consent of parents (or the student, if

18 or over), except to other school officials with legitimate educational interests, to authorized state and federal officials, and when information is requested in connection with a student's application for financial aid. School records, however, are to remain accessible for audits, but the data collected is not to permit the identification of individuals. The act requires that any authorized individual requesting information must do so in writing and a copy of the request must be kept in the student's school records and remain accessible to the child's parents. Personal information may be transmitted to third parties only with the written consent of the parents or student.

The Secretary is to adopt appropriate regulations to protect the rights of parents and students in connection with any federal surveys or data gathering activities. Regulations are to include provisions controlling the use, dissemination and protection of such data. All federal surveys and data collection authorized by the Secretary or administrative head of an education agency must be authorized by law.

All recipients of federal funds must notify parents and students of their rights under this act. Provision is made for a review board within HEW to investigate violations of this act. Funds may not be terminated unless it has been determined that there has been a failure to comply and that compliance cannot be secured by voluntary means.

Sec. 514 provides that any instructional material used in conjunction with research or experimental programs is to be made available for inspection by parents. Sec. 515 provides that failure to provide information to federal agencies on the grounds that it constitutes a violation of the right to privacy of students or parents, does not constitute sufficient grounds for the suspension or termination of federal funds.

(2) Education of the Handicapped (Title VI, Sec. 614, p. 99)

Sec. 614 provides grants of $8.75 for each child aged 3-21 to provide assistance to the states in providing programs for all handicapped children (for fiscal 1975 only). In order to receive these grants the state must modify its state plan--see State Plans, Part 4a. Among other things, the state plan must provide procedures for insuring that handicapped children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation and placement. The following guarantees must be included: (1) that a handicapped child will not have a change in educational placement until his or her parents are notified of the proposed change; (2) that an opportunity will be provided for parents to examine all relevant records with respect to the classification or educational placement of their child, to obtain an independent educational evaluation of their child, and to obtain an impartial due process hearing; (3) that an individual (not an employee of

an SEA or LEA) will be appointed to act as a surrogate parent to any handicapped child who has no parent or guardian; (4) that the decisions of all due process hearings will be binding on all parties (subject to appeal); (5) that handicapped children will be educated with non-handicapped children unless the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved; and (6) that procedures will be adopted to insure that testing and evaluation materials and procedures used for classification and placement will not be racially or culturally discriminatory.

The act also requires states, in order to receive grants in fiscal 1976-77, to modify state plans (see State Plans, Part 4b) as follows: (1) provisions will be made for a survey to be conducted to identify and evaluate all handicapped children in the state; and (2) procedures are to be established in accordance with detailed criteria prescribed by the Commissioner to protect the confidentiality of data and information by the state.

(3) The National Reading Improvement Program (Title VII, Sec. 705, pp. 106-107)

The act provides funds for reading improvement projects for elementary and preelementary children--see Reading, Part 2a. In order to receive funds, the applicant (see Applications, Part 7a) must provide for the testing of children with reading deficiencies and potential reading deficiencies. Elementary children participating in reading improvement programs must be tested periodically and the results of the tests, by grade level, are to be published, but without the identification of individual children. Individual test results are to be made available to the parents of the child involved. The act also provides that applicants must provide for parental participation in the development and implementation of reading programs.

The act also provides for the assessment, evaluation and collection of information on individual children by teachers during each year of the preelementary program. This information is to be made available to teachers in the subsequent year in order that continuity for the individual child not be lost.

PERSONNEL TRAINING

(1) Compensatory Education (Title I, Sec. 101, p. 13)

LEAs may use funds provided under Title I for teacher training--see Applications, Part 1.

(2) Bilingual Education (Title I, Sec. 105, pp. 20-29)

The Bilingual Education Act provides funds for teacher training, and the training of auxiliary personnel, in the area of bilingual education. The act provides that $16 million of the first $70 million appropriated annually is to be used for teacher training along with 1/3 of any amount over $70 million (p. 21). (See Grants and Grant Provisions, Part 2). The act further provides that LEAs must expend at least 15 percent of their funds under this act for teacher training (p. 24).

An extensive training program is provided for in the act (pp. 25-26) for teachers, administrators, paraprofessionals, teacher aides and parents. Counseling and short-term training institutes for these individuals are also provided for. Programs may be funded which would provide fellowships and which would encourage innovation and reform at the postsecondary level--see Postsecondary Education, Part 1.

(3) The Special Projects Act (Title IV, pp. 61-73)

(a) This act provides funds for programs for gifted and talented children to SEAs and LEAs. In addition, the Commissioner is authorized to make grants to postsecondary institutions and other nonprofit institutions to provide training to leadership personnel (including teacher trainers, school administrators, supervisors, researchers and state consultants) for the education of gifted and talented children. Funds may also be used for internships with local, state or federal agencies or other public or private institutions. The act provides that grants may be provided to SEAs for training programs or for transmission to postsecondary institutions for training programs (p. 65).

(b) The Special Projects Act also authorizes $2 million for grants to postsecondary institutions to provide training for persons to plan and operate community education programs (p. 67).

(c) Under Sec. 408 of this act (the Women's Educational Equity Act of 1974) funds are provided (grants and contracts) for public agencies and private nonprofit organizations and individuals for activities designed to improve educational equity for women. Among these activities is included preservice and inservice training, including guidance and counseling (p. 71).

(4) Adult Education (Title VI, Sec. 602, p. 93 and Sec. 604, p. 94)

Under the Adult Education Act discretionary funds are authorized to the Commissioner (10-20 percent of appropriations) for special experimental

demonstration projects and for teacher training. Sec. 602 repeals this provision, but Sec. 604 requires the states to reserve 15 percent of their total allocation for these programs. Teacher training programs are those which provide training for persons engaged, or preparing to engage, as personnel in adult education programs.

(5) Education of the Handicapped (Title VI, Sec. 618, pp. 101-102)

This section provides for the extension of personnel training programs originally authorized by Sec. 636 of the Education of the Handicapped Act. The act authorizes $45 million for fiscal 1975, $52 million for fiscal 1976 and $54 million for fiscal 1977. The program for personnel recruitment (Sec. 633 of the Education of the Handicapped Act) is also extended with $500,000 authorized for both fiscal 1975 and fiscal 1976, and $1 million for fiscal 1977.

(6) Indian Education (Title VI, Sec. 632, p. 103)

The Indian Education Act is extended and amended to provide, among other things, an authorization of $2 million per year for fiscal 1975-78 for personnel training. The Commissioner is authorized to make grants to, and enter into contracts with, postsecondary institutions, Indian organizations and tribes, for the purpose of preparing individuals for teaching or administering programs designed to meet the special educational needs of Indian children. Grants are also available for inservice teacher training programs and fellowships and traineeships are to be made available for these purposes. In awarding grants and contracts, priority is to be given to Indian institutions and organizations; in awarding fellowships and traineeships, priority is to be given to Indian students.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)

(a) The act provides funds for elementary and preelementary reading improvement programs--see Reading, Part 2a. Grants may be made to SEAs and LEAs for elementary programs and to SEAs, LEAs and non-profit education or child care institutions for preelementary programs. Applications must include, among other things, provisions for preservice training programs for teachers, teacher aides and other educational personnel and, where feasible, inservice training and development programs designed to enable such personnel to improve their ability to teach students to read (p. 106). (See Applications, Part 7a).

(b) The act also provides funds for state administered reading improvement programs--see Reading, Part 2b. To receive funds, states must enter into an agreement with the Commissioner which includes, among other things, criteria for the selection or designation and training

of personnel (such as reading specialists and administrators of reading programs) engaged in programs funded. Provisions are to include training for private elementary school personnel and qualifications acceptable for such personnel (p. 110). (See Applications, Part 7b).

(c) Finally, the act provides funds for special emphasis projects. Included in these projects (p. 112) is the development of courses for elementary teachers desiring to become reading teachers or reading specialists--see Reading, Part 2c. The programs are to be broadcast on public educational television and study materials are to be developed to be used in conjunction with them--see Postsecondary Education, Part 7c).

(8) Postsecondary Education (Amendments to the Higher Education Act, Title VIII, Sec. 835, p. 122)

Sec. 835 amends the teacher corps provisions of Sec. 511, 513 and 514 of the Higher Education Act, (the Education Professions Development Act). Amendments include: (1) the use of funds for the training and retraining of teachers and teacher aides; and (2) the number of Teacher Corps members to be made available to the territories is increased from three percent to five percent and the number of territories included is expanded (from Puerto Rico and the Virgin Islands only to also include Guam, American Samoa and the Trust Territories of the Pacific Islands).

PLANS (See State Plans, Individualized Instructional Plans)

POSTSECONDARY EDUCATION

(1) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, pp. 20-29)

Postsecondary institutions (including junior and community colleges) may apply for grants and contracts (see Applications, Part 2) to provide training for personnel for bilingual education programs (p. 25). The following programs may be included: (1) programs emphasizing opportunities for career development; (2) programs for training teachers, administrators, paraprofessionals, teacher aides and parents; (3) guidance and counseling programs; (4) special training programs designed to meet individual needs; (5) programs designed to encourage reform in curricula in graduate education in the structure of the academic profession and in the recruitment and retention of postsecondary facilities, as related to bilingual education; and (6) short-term institutes for skill development--also see Part 10 below.

The Commissioner is also authorized (pp. 25-26) to award fellowships for teacher training. For fiscal 1975, not less than 100 fellowships, leading to a graduate degree, are to be awarded. Fellowships are to be awarded in accordance with the population size of different groups of individuals with limited English speaking ability. The Commissioner is to report on the fellowship program to Congressional education committees. Priority is to be given to individuals with demonstrated competence and experience in the field of bilingual education.

(2) Consolidation (Title IV, Sec. 401, p. 57)

Representatives of postsecondary institutions are to be included in the membership of the state advisory council required by the provisions of Sec. 401 of Title IV--see Advisory Councils, Part 3.

(3) The Special Projects Act (Title IV, pp. 61-73)

(a) The Special Projects Act provides funds for grants or contracts for programs in the area of metric education--see Metric Education, Part 1. Postsecondary institutions are eligible to receive grants or contracts (p. 64).

(b) Grants may be provided by the Commissioner and by SEAs to postsecondary institutions for the training of personnel for the education of gifted and talented children (p. 65). (See Personnel Training, Part 3a).

(c) The act also authorizes $2 million for grants to postsecondary institutions to provide training for persons to plan and operate community education programs (p. 67). (See Personnel Training, Part 3b).

(d) Grants are provided (p. 69) to SEAs, LEAs, postsecondary institutions and private organizations for model programs in career education--see Model Programs, Part 3b.

(e) Provision is made (Sec. 408, p. 71) for the provision of grants to, and contracts with, public agencies and private, nonprofit organizations and individuals for activities designed to achieve educational equity for women--see Applications, Part 5f. These activities are to be funded at all levels of education, including postsecondary education.

(4) Parental and Student Rights (Title V, Sec. 513-515, pp. 88-91)

Provisions regarding parental and student rights apply to postsecondary institutions (pp. 88-89). (See Parental and Student Rights, Part 1).

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(5) Education of the Handicapped (Title VI, Sec. 616, p. 101)

An authorization of $1 million for fiscal 1975, and such sums as may be necessary for fiscal 1976-77, is provided to the Commissioner for grants for the development of specially designed or modified programs of vocational, technical, postsecondary or adult education for deaf or other handicapped persons. Grants may be made to postsecondary institutions and other appropriate nonprofit education agencies. Priority is to be given to: (1) programs serving multistate regions or large population centers; (2) programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and (3) programs designed to serve areas where a need for such services is clearly demonstrated.

(6) Indian Education (Title VI, Sec. 632, pp. 103-104)

The act provides $2 million per year for fiscal 1975-78 for personnel training programs (including inservice training) to prepare individuals to teach or administer programs designed to meet the special educational needs of Indian children. The Commissioner is authorized to make grants to, and enter into contracts with, postsecondary institutions and Indian organizations and tribes, with priority being given to the latter. Teacher training fellowships and traineeships are also provided for, and grants and contracts are authorized to postsecondary institutions, Indian organizations and tribes for cost-of-education allowances--see Personnel Training, Part 6.

This act also makes provision for fellowships for Indian students (200 per year for fiscal 1975-78) for graduate study at postsecondary institutions. Fellowships are to be provided for 3-4 year programs in engineering, medicine, law, business, forestry and related fields. If the recipient of a fellowship does not use or require the fellowship for the specified time period, it may be awarded again to another student for the duration of the specified time. Students are to receive stipends and postsecondary institutions are to receive cost-of-education payments for each fellowship student in attendance.

(7) The National Reading Improvement Program (Title VII, pp. 105-113)

(a) The act provides funds for reading improvement programs at the elementary and preelementary levels--see Reading, Part 2a. Provision is also made for the establishment of state advisory councils on reading (see Advisory Councils, Part 9a) which are to include representatives of postsecondary institutions (p. 107).

(b) Funding is also made available for state administered reading improvement programs--see Reading, Part 2b. Funds authorized to the state are to be made available for grants to LEAs, postsecondary institutions and other public and private nonprofit

institutions (p. 110). (See Grants and Grant Provisions, Part 7b). To receive funds, the state is required to establish a state advisory council on reading which includes representatives of post-secondary institutions (p. 109).

(c) The act also provides funds for special emphasis projects, including the preparation, production and evaluation of courses for elementary teachers intending to become reading teachers or reading specialists--see Reading, Part 2c. These programs are to be broadcast over public educational television stations and appropriate study material is to be developed to be used in conjunction with these programs. The Commissioner is authorized, through grants or contracts, to enter into agreements with post-secondary institutions, public or private agencies and individuals to provide for these programs and materials (p. 112).

The act also specifies that LEAs desiring to receive funds for district-wide intensive reading programs (also funded as special emphasis projects) will be given priority if they arrange for credit (within the LEA and academically) for teachers completing the programs described above (p. 111).

Finally, the act authorizes the Commissioner (p. 112) to enter into contracts with, and make grants to, postsecondary institutions, SEAs, LEAs, community organizations and other nonprofit organizations to provide reading academies for youths and adults who would not otherwise receive reading instruction.

(8) Study of Athletic Injuries (Title VIII, Sec. 826, p. 120)

The Secretary is required to conduct a study of athletic injuries and deaths resulting from participating, or preparing to participate in, athletic competition between schools at the secondary and postsecondary level--see Studies and Reports, Part 12.

(9) Amendments to the Higher Education Act (Title VIII, Sec. 831-837, pp. 120-123)

The act provides (Sec. 831, p. 120) for the extension of the National Advisory Council on Extension and Continuing Education through June 30, 1975. Sec. 832 amends Sec. 302 (a)(2), the developing institutions amendment. Sec. 833 amends Sec. 417B of the Higher Education Act (special programs for students from disadvantaged backgrounds) to provide English language instruction for students of limited English speaking ability. The veterans cost of instruction payments (Sec. 420 of the Higher Education Act) is amended by Sec. 834, and Sec. 835 amends, teacher corps provisions (Sec. 511, 513 and 514) of the Higher Education Act--see Personnel Training, Part 8 and Territories, Part 7.

Sec. 836 amends Title IX of the Higher Education Act by providing funds for preliminary training of individuals from disadvantaged backgrounds intending to begin training in the legal profession (pp. 122-123). The Commissioner is authorized, prior to July 1, 1978, to make grants to, or enter into contracts with, public and private agencies and organizations other than postsecondary institutions. Funds are to be used for the following purposes: (1) the selection of individuals from disadvantaged backgrounds; (2) facilitating the entry of such students into post-secondary institutions; (3) counseling and other services; and (4) preliminary three-month training programs (including stipends and travel allowances).

Sec. 837 amends Sec. 1001(b)(1) of the Higher Education Act, community college and occupational education amendment. The act continues funding for one additional year, through fiscal 1975.

(10) Amendment of the Vocational Education Act (Title VIII, Sec. 841, pp. 123-127)

Sec. 841 authorizes $17.5 million for fiscal 1975 for bilingual vocational training programs. The Commissioner is authorized to make grants to, or enter into contracts with, appropriate state agencies, LEAs, postsecondary institutions, private nonprofit vocational training institutions and to other nonprofit organizations especially created to serve non-English speaking groups to supply occupational training to individuals with limited English speaking ability (p. 125). (See Grants and Grant Provisions, Part 8c(ii) and Part 1 above).

(11) Sex Discrimination (Title VIII, Sec. 844, p. 129)

The Secretary is to prepare and publish, within 30 days of enactment, proposed regulations implementing the provisions of Title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in federally assisted education programs to include, with respect to intercollegiate athletic activities, reasonable provisions considering the nature of particular sports.

PRIVATE SCHOOLS (See Non-Public School Children)

PROGRAM EVALUATION (Also see Studies and Reports)

(1) Compensatory Education (Title I, Sec. 101, pp. 16-17, Title V, Sec. 506, p. 81)

The Commissioner is directed to evaluate Title I programs in accordance with published evaluation standards--see Model Programs, Part 1. These

evaluations may be provided for through contracts with qualified persons and may be undertaken jointly with SEAs. The evaluations are to be done in a uniform way and are to rely as much as possible on objective measurement devices. Technical assistance is to be provided by the Commissioner.

Further provision is made for the evaluation of Title I programs by the Secretary (Sec. 506, p. 81). These reports are to contain surveys of how many disadvantaged children are being served by Title I and how many are not, and how many underachieving children (one to two years behind their grade level) are being served by Title I programs and how many are not.

(2) Evaluation of Federal Programs (Title V, Sec. 506, pp. 80-82)

The Secretary is to undertake an evaluation of all programs administered by the Education Division (OE, NIE, NCES) to determine the effectiveness of the programs in achieving their legislated purposes along with recommendations for improvement. Evaluation reports are to: (1) set forth goals and specific objectives for each program and to relate the goals and objectives to the purposes of the program; (2) describe the progress made in the previous fiscal year toward achieving the goals and objectives described; (3) describe the costs and benefits of each program and which sectors of the public bear the costs and receive the benefits of the program; (4) contain recommendations and plans for improving each program; (5) contain a listing of studies supporting the major conclusions and recommendations in the report; and (6) be prepared in concise summary form with necessary detailed data and appendices. Evaluation reports are to be submitted to Congressional education committees on November 1 of each year--see Studies and Reports, Part 5. (Also see Part 1 above.)

(3) The National Reading Improvement Program (Title VII, Sec. 714, pp. 109-110)

The act provides funds for state administered reading improvement programs--see Reading, Part 2b. Funds allotted to the states are to be distributed by the state as grants to LEAs, postsecondary institutions and other public and private nonprofit institutions--see Grants and Grant Provisions, Part 7b. In order to receive funds, the state is required to establish a state advisory council on reading (see Advisory Councils, Part 9b) which, among other things, is to advise the SEA on the evaluation of results of the program (p. 109). The state is to make provision for the dissemination to the education community and the public information about the objectives of the program and results achieved--see Applications, Part 7b.

Sec. 731 authorizes the Commissioner to reserve one percent of total appropriations for the evaluation of all programs funded under Title VII

(p. 113). (See Studies and Reports, Part 8).

PUERTO RICO (Also see Territories, Indian Children)

(1) Compensatory Education (Title I, Sec. 101, p. 6 and Title VIII, Sec. 843, pp. 128-129)

Puerto Rico is treated as a state and funding (p. 6) is based on multiplying the number of disadvantaged children by 40 percent of the average per-pupil expenditure in Puerto Rico (or 40 percent of 120 percent of the national average per-pupil expenditure, whichever is less). (See Disadvantaged Children, Part 1). However, the act provides (pp. 128-129) that Puerto Rico is to receive 50 percent of its allotment under the formula in fiscal 1975 and 75 percent each year thereafter (fiscal 1976-78).

Puerto Rico is included in grant provisions for state operated programs for handicapped children and for the children of migratory workers (p. 9 and p. 11 respectively). In both cases Puerto Rico is treated as a state except that the payment is to be 40 percent of the average per-pupil expenditure in Puerto Rico or 40 percent of 120 percent of the national average per-pupil expenditure, whichever is less.

(2) Consolidation (Title VIII, Sec. 843, pp. 128-129)

Puerto Rico is removed from the list of territories included in the 3 percent set aside for ESEA Title II programs (School Library Resources, Textbooks and Other Instructional Materials) and for ESEA Title III programs (Supplementary Educational Centers and Services and Guidance, Counseling and Testing), due to be consolidated in fiscal 1976 according to the provisions of Title IV--see Grants and Grant Provisions, Part 4a. The three percent set aside for the territories is reduced to one percent and Puerto Rico is allowed to reserve the same amount for administration of the state plan as are the states.

The same amendments are made to ESEA Title V (Strengthening State Departments of Education) which is also due to be consolidated by Title IV provisions--see Grants and Grant Provisions, Part 4a. However, the set aside is reduced from 2% to 1% (rather than from 3% to 1%).

(3) Impact Aid (Title III, Sec. 305, p. 45)

In determining impact aid payments, the "local contribution rate" for each LEA must be determined--see Grants and Grant Provisions, Part 3. In Puerto Rico, the local contribution rate is to be determined by the Commissioner, based on the average per-pupil expenditure.

(4) Education of the Handicapped (Title VI, Sec. 614, pp. 97-98 and Title VIII, Sec. 843, p. 128)

Sec. 614 provides grants of $8.75 for fiscal 1975 for each child, aged 3-21, to assist states in providing educational programs for all handicapped children. The act provides that two percent of total appropriations are to be reserved for the territories and Puerto Rico (see Territories) Sec. 843 (p. 128) further provides that after fiscal 1975, Puerto Rico is to be treated as a state for the programs authorized (see Special Education, Part 5b) and that the territorial set aside is to be reduced from 3% to 1%.

(5) The National Reading Improvement Program (Title VIII, Sec. 713, pp. 108-109)

The act provides funds for state administered reading improvement programs--see Reading, Part 2b. Funds are to be allotted to the states in accordance with the size of their school-age population aged 5-12--see Grants and Grant Provisions, Part 7b. Puerto Rico is to be treated as a state.

(6) White House Conference on Education (Title VIII, Sec. 804, p. 116)

Grants of $25,000-$75,000 are authorized for states to assist in meeting the costs of their participation in the proposed White House Conference on Education--see Miscellaneous, Part 2). The territories and Puerto Rico are to be considered as states--see Grants and Grant Provisions, Part 8a.

(7) Amendment of the Adult Education Act (Title VIII, Sec. 843, p. 128)

Puerto Rico is to be treated as a state in the allocation of funds, and the territorial set-aside is reduced from 2% to 1%.

READING

(1) Adult Education (Title VI, Sec. 603, p. 93)

The state plan requirements of the Adult Education Act are revised to require that adult education programs be coordinated with manpower development and training programs, occupational programs and reading improvement programs for adults.

(2) The National Reading Improvement Program (Title VII, pp. 105-113)

Title VII provides funds for: (1) reading improvement projects; (2) state administered reading improvement programs; and (3) special

emphasis projects.

(a) The reading improvement projects (pp. 106-108) are of two types: (1) programs for elementary school children with reading deficiencies which use innovative methods and materials; and (2) programs for preelementary school children which use innovative methods and materials--see Early Childhood, Part 7. Provisions are included with respect to applications (see Applications, Part 7a) and for the establishment of state advisory councils--see Advisory Councils, Part 9a.

(b) The state administered reading improvement programs (pp. 108-111) are to assist states in providing leadership in the area of reading as well as to promote the reading improvement objectives of the act. They are not authorized until fiscal 1976 and are not to be implemented unless funding for the reading improvement projects described above and the state administered programs is in excess of $30 million--see Grants and Grant Provisions, Part 7b. Provisions are included with respect to applications (see Applications, Part 7b) and for the establishment of state advisory councils--see Advisory Councils, Part 9b.

(c) The special emphasis projects (pp. 111-112) are of three types: (1) intensive reading improvement programs at the elementary level; (2) reading training on public television; and (3) the establishment of reading academies. The intensive reading programs include the teaching of reading by reading specialists of all first and second grade children in the school receiving project funds, and reading instruction by reading specialists for children in grades 3-6 with reading problems. An intensive vacation reading program for all children with reading problems is to be established (p. 111).

Reading specialists are defined as individuals with Master's degrees with a major specialty in reading, and three years of teaching experience which included reading instruction. If the LEA is unable to secure reading specialists for the project, reading teachers may be used, providing that they are enrolled in (or will enroll in) programs to become reading specialists. Reading teachers are defined as individuals with bachelor's degrees, with twelve credit hours or its equivalent in courses of teaching reading, and two years of teaching experience which include reading instruction. Regular elementary teachers may be substituted if they are enrolled in, or will enroll in, programs to become reading teachers.

One district-wide project is authorized with priority given to LEAs that will give credit for courses developed under the training programs described below (which are to be presented on television at a convenient hour for teachers), and that will make arrangements

with postsecondary officials to obtain academic credit for such courses--also see Applications, Part 7c. Authroizations (p. 113) range from $15 million in fiscal 1975 to $25 million in fiscal 1978--see Grants and Grant Provisions, Part 7c.

The second special emphasis project is the development of educational television programs and study materials for elementary teachers who intend to become reading specialists or reading teachers--see Postsecondary Education, Part 7c, Grants and Grant Provisions, Part 7c, and Personnel Training, Part 7c. The third, and last, of the special emphasis projects involves the establishment of reading academies for youths and adults who would not otherwise receive such assistance and instruction--see Grants and Grant Provisions, Part 7c.

(d) The act provides (p. 113) that the Commissioner is to submit an annual report on March 31 of each fiscal year through fiscal 1979 to Congressional committees--see Studies and Reports, Part 8. The Commissioner may reserve one percent of total appropriations for the program evaluations required for the report.

REGULATIONS (See Administration-Federal)

RESEARCH AND DEVELOPMENT (See Studies and Reports, Model Programs)

SCHOOL FINANCE

(1) Compensatory Education (Title I, Sec. 101, p. 12)

Special incentive grants are provided to states whose tax effort exceeds the national tax effort for education--see Grants and Grant Provisions, Part 1c.

(2) Impact Aid (Title III, pp. 38-52)

(a) The act provides (pp. 43-44) that the Commissioner may increase impact aid funds to an LEA that is unable, with all resources combined, and with a reasonable tax effort, to provide a level of education equivalent to that of comparable school districts. The amount per-pupil provided, however, may not exceed the per-pupil cost of education in comparable districts, and districts are not eligible for payment increases unless 50 percent of its students are A or B students--see Grants and Grant Provisions, Part 3. The district must have diligently sought funds from state

and other sources, and the state aid program must not discriminate against the district relative to comparable school districts in the state.

(b) Sec. 5(d)(2) of PL 874 is amended (pp. 39-40 and p. 48) to provide that states that have adopted a program of aid designed to equalize expenditures for education may take impact aid into consideration when determining the relative resources and needs of LEAs. The state may consider impact aid payments only in proportion to the share that local revenues covered under the state equalization program are of total local revenues. The terms "state aid" and "equalization program" are to be defined by the Commissioner, but differences in expenditures based on differences in education cost and needs (such as those for special education, compensatory education, etc.) are permissable.

(3) Consolidation (Title IV, Sec. 401, p. 55)

Sec. 401 of Title IV is concerned with the consolidation of funds for programs which were originally funded individually on a categorical basis--see Grants and Grant Provisions, Part 4a. The consolidated funds for Part B are to be distributed to LEAs in accordance with a state plan which, among other things, must guarantee that funds will be distributed to LEAs on the basis of their school-aged population, but in such a way as to provide relatively more funds to LEAs whose tax effort for education, but whose per-pupil expenditure (excluding Title I payments) is no greater than the average per-pupil expenditure in the state.

(4) Federal Policy Statement (Title VIII, Sec. 801, p. 114)

Sec. 801 is comprised of a statement of national policy with respect to equal educational opportunity. It contains Congressional affirmation of equal educational opportunity as a national goal of high priority and declares it to be the policy of the United States to entitle every citizen to an education to meet his or her full potential without financial barriers.

(5) Equalization Plans (Title VIII, Sec. 842, pp. 127-128)

The act provides that states may be reimbursed for the development or administration of state plans for the distribution of aid to LEAs which: (1) is consistant with the Fourteenth Amendment, and (2) has, as its primary purpose, the achievement of equality of educational opportunity for all children in attendance at the schools of LEAs of the state.

The Commissioner is to develop guidelines by April 1, 1975 (see Administration-Federal, Part 7) and states are to submit equalization

SCHOOL FINANCE (Continued)

plans to the Commissioner by July 1, 1977. Grants are to range from $100,000 to $1 million--see Grants and Grant Provisions, Part 8d.

(6) Extension of Advisory Council (Title VIII, Sec. 845, p. 129)

The National Advisory Council on Equality of Educational Opportunity (Emergency School Aid Act, Title VII of the Education Amendments of 1972, Sec. 716) is extended until July 1, 1975.

SCHOOL NUTRITION AND HEALTH SERVICES (See Health and Nutrition)

SIMPLIFIED STATE APPLICATION (See Applications, Part 6b)

SPARSITY PROVISIONS

(1) Consolidation (Title IV, Sec. 401, p. 55)

Funds for the consolidated programs provided for in Part B of Sec. 401 of Title IV (see Grants and Grant Provisions, Part 4a) are to be distributed to LEAs in accordance with a state plan and on the basis of the relative school-aged population of the LEA. However, greater amounts are to be provided to LEAs with the greatest numbers of children whose education imposes a higher than average cost per child--such as children from low income families, children living in sparsely populated areas, and children with limited English speaking ability.

SPECIAL EDUCATION (Also see Gifted Children)

(1) Compensatory Education (Title I, Sec. 101, pp. 8-9)

For each handicapped child in a state program, the state is to receive 40% of the state average per-pupil expenditure. However, if the state average per-pupil expenditure is below 80% or above 120% of the national average per-pupil expenditure, the amount for each child will be 40% of 80%, or 120% respectively, of the national average per-pupil expenditure--see Grants and Grant Provisions, Part 1b. "Handicapped children" are defined as those who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who require special education (p. 8). A "hold harmless" provision guarantees that the state will receive 100% of the amount received during the preceding fiscal year. These grants must be used for programs and projects which are designed to meet the special educational needs of such children (p. 12).

(2) Impact Aid (Title III, Sec. 305, p. 44)

LEAs are entitled to receive 150% of their normal payment (see Grants and Grant Provisions, Part 3) for A and B military students that are handicapped or have special learning disabilities. The programs (including preschool programs) must be designed to meet the special educational needs of such children and must be of sufficient size, scope and quality to give reasonable promise of achieving a substantial degree of success in meeting those needs. The Commissioner is to consult with knowledgeable people in the SEA in the implementation of regulations. (The following terms are defined in the Education of the Handicapped Act, Sec. 602 (1) and (15). The definition of "handicapped" is the same as that given above for compensatory education programs. The definition of "learning disabilities" includes those with a disorder in the basic psychological processes involved in understanding and using language and which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or calculate.)

(3) Consolidation (Title IV, Sec. 401, pp. 56-57)

Sec. 401 of Title IV provides for the consolidation of a number of existing federal programs into Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). Of the funds received by the SEA under Part C, 15 percent (or the amount received during fiscal 1973, whichever is greater) is to be used for programs to strengthen SEAs. After those funds have been reserved, 15 percent of the remainder of the authorization is to be reserved for programs and projects for handicapped children and children with specific learning disabilities. The act also provides that if funds for any project are used for the remodeling or construction of facilities, that the facilities must then be accessible to handicapped persons.

The state advisory council required by Title IV (see Advisory Councils, Part 3) must include in its membership professional persons with competence in the area of special education (for the handicapped and for children with specific learning disabilities).

(4) The Special Projects Act (Title IV, pp. 61-73)

(a) This act provides funds (p. 66) for the establishment and operation of model projects for the identification and education of gifted and talented children, including programs for handicapped children--see Model Programs, Part 3a.

(b) Model programs in career education are also provided for in the act (p. 69), including programs for handicapped children--see Model Programs, Part 3b. Sec. 406 (p. 68) proclaims it to be the sense of Congress that every child should be prepared for gainful employment and that it is the obligation of each LEA to provide career education programs for all children, including handicapped children and all other children who are educationally disadvantaged.

(5) Education of the Handicapped (Title VI, Sec. 611-621, pp. 96-102)

(a) Sec. 611-621 of Title VI amend the Education of the Handicapped Act. Sec. 611-613 are concerned with administrative provisions regarding the Bureau of Education for the Handicapped (see Administration-Federal, Part 4) and the National Advisory Committee on Handicapped Children--see Advisory Councils, Part 8.

(b) Sec. 614 is concerned with the program of grants to the states for handicapped children. The act provides that, in fiscal 1975 only, grants of $8.75 for each child aged 3-21, will be made available to assist the states in providing programs for all handicapped children--see Grants and Grant Provisions, Part 6b. (In fiscal 1976, the grant program for fiscal 1975 would be in excess of $600 million if fully implemented.) State are required to revise state plans to receive grants in fiscal 1975, and again for the grant programs in fiscal 1976-77--see State Plans, Part 4a and 4b.

(c) The act includes provisions for regional programs for deaf and other handicapped persons (Sec. 616). These programs are to provide vocational, technical, postsecondary or adult education for deaf or other handicapped persons. The Commissioner is to receive funds (authorizations are $1 million for fiscal 1975 and such sums as may be necessary in succeeding fiscal years) for grants and contracts with postsecondary institutions and other appropriate education agencies--see Grants and Grant Provisions, Part 6b.

(d) Sec. 617-621 provide for the extension of programs funded under the Education of the Handicapped Act. Sec. 617 extends the following programs: (1) Regional Resource Centers (Sec. 621), $12.5 million for fiscal 1975, $18 million for fiscal 1976 and $19 million for fiscal 1977; (2) Centers and Services for Deaf-Blind Children (Sec. 622), $15 million for fiscal 1975, $20 million for fiscal 1976 and $20 million for fiscal 1977; (3) Early Education for Handicapped Children Programs (Sec. 623), $25.5 million for fiscal 1975, $36 million for fiscal

1976 and $38 million for fiscal 1977; and (4) authorizations for the regional programs described in Part C above.

Sec. 618 extends the personnel training programs funded under Sec. 636, with the exception of the recruitment programs in Sec. 633, with authorizations of $45 million for fiscal 1975, $52 million for fiscal 1976 and $54 million for fiscal 1977. Authorizations for the recruitment program (Sec. 633) are $500,000 for fiscal 1975, $500,000 for fiscal 1976 and $1 million for fiscal 1977.

Sec. 619 extends the research programs originally authorized by Sec. 644 with authorizations of $15 million for fiscal 1975, $20 million for fiscal 1976 and $20 million for fiscal 1977. Sec. 620 amends the instructional media programs in Sec. 652 (b)(3-5). Finally, Sec. 621 extends the special programs for children with specific learning disabilities (Sec. 661) with authorizations of $10 million for fiscal 1975, $20 million for fiscal 1976 and $20 million for fiscal 1977.

STATE PLANS

(1) Consolidation (Title IV, Sec. 401, pp. 55-57)

The SEA is to develop a state plan for the distribution of the consolidated funds provided under Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support) of Title IV--see Grants and Grant Provisions, Part 4a. The plan is to be developed and implemented with the advice and assistance of a state advisory council--see Advisory Councils, Part 3. LEAs are to apply for these funds with a single consolidated application form--see Applications, Part 4.

The state plan is to contain assurances that the SEA will be the sole agency responsible for administering the plan and that federal funds will be used only for carrying out the objectives of Parts B and C, (and for the administration of the state plan). Provision must be made for children attending private schools-see Non-Public School Children, Part 3.

The plan is to provide for the distribution of Part B fund to LEAs in accordance with the relative number of children enrolled in public and non-public schools, except that relatively more funds must be distributed to LEAs with a high tax effort but an average or less per-pupil expenditure (see School Finance, Part 3) and to LEAs serving large numbers of high cost children, including those from low income families (see Disadvantaged Children, Part 4) and those

with limited English speaking ability--see Bilingual Education, Part 3. There is further provision that the state plan must recognize the inability of small and/or poor districts to compete for grants on an equitable basis and take this inability into consideration in distributing funds (p. 55) under Part C.

In the first year of consolidation, LEAs are to have complete discretion in apportioning 50 percent of Part B funds between programs and in the distribution of all Part B funds during the next two fiscal years--see Grants and Grant Provisions, Part 4a.

(2) The Special Projects Act (Title IV, Sec. 406, p. 69)

The act provides for grants to SEAs during the period beginning one year after enactment and ending June 30, 1977, for the development of state plans for career education programs. The plans are to provide for the development and implementation of career education programs in the LEAs of the states.

(3) Adult Education (Title VI, Sec. 603, pp. 93-94)

Provisions in the Adult Education Act for state plans are amended to include the following requirements: (1) state plans must provide for cooperation with manpower and development training programs, occupational education programs and reading improvement programs for adults; and (2) provision must be made for reserving 20% of the state's allotment for high school equivalency programs leading to a certificate of graduation. The plan is also to include provisions for institutionalized persons as a part of the adult population to be served, and to reserve 20% of the state's allocation for programs for institutionalized persons. Sec. 606 (pp. 94-95) provides that state advisory councils are to advise SEAs on the development of, and policy matters arising in, the administration of the state plan--see Advisory Councils, Part 7. Under Sec. 607 (pp. 95-96) provisions are made for the inclusion in the state plan of bilingual education programs for adults--see Bilingual Education, Part 5.

(4) Education of the Handicapped (Title VI, pp. 96-102)

(a) Sec. 614 (p. 97) authorizes grants of $8.75 for each child aged 3-21 to assist states in providing education programs for all handicapped children (for fiscal 1975 only). The state is required to include in its state plan provision for the inclusion of all handicapped children in the state in education programs. Federal funds are to be used for this purpose and priority is to be given to handicapped children not receiving and education (p. 99). The state plan is also required to provide procedures for guaranteering parental and student rights--see

Parental and Student Rights, Part 2.

(b) Grants are also provided for fiscal 1976 and 1977, ($100 million is authorized for fiscal 1976, $110 million for fiscal 1977). (See Grants and Grant Provisions, Part 6b). In order to receive grants for these fiscal years the state plan must be modified to provide policies and procedures to guarantee that: (1) all handicapped children will be identified and evaluated and that a determination will be made of which handicapped children are receiving needed special education services, and which are not; (2) the confidentiality of data will be protected; (3) a statement of goals and a detailed timetable for providing full educational opportunities to all handicapped children will be established; (4) a description of facilities, personnel and services will be developed; and (5) that all of the above information will be made available to parents and the general public at least 30 days prior to its submission to the Commissioner (p. 100).

STATISTICS (Also see Studies and Reports)

(1) National Center for Education Statistics (Title V, Sec. 501, pp. 73-75)

The National Center for Education Statistics (NCES), formerly located within OE, is to be located in the office of the Assistant Secretary. The duties and functions of the Commissioner, with respect to the collection, analysis and dissemination of statistics, are transferred to NCES.

The act authorizes (p. 75) $20 million in fiscal 1975, $25 million in fiscal 1976 and $30 million in fiscal 1977 to carry out the following activities: (1) collect, collate and, from time to time, report full and complete statistics on the conditions of education in the United States; (2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics; (3) assist SEAs and LEAs in improving and automating their statistical and data collection activities; and (4) review and report on eductional activities in foreign countries (p. 73). The Assistant Secretary is authorized to make grants to and contracts with public and private institutions, agencies and organizations for these purposes (p. 74).

The act provides (p. 73) for the creation of an Advisory Council on Education Statistics (see Advisory Councils, Part 5) and for the submission by the Assistant Secretary of an annual report (p. 74) to the Congress on the activities of NCES--see Information Dissemination/ Clearinghouses, Part 5.

NCES is authorized to provide statistical information to OE, to the Assistant Secretary and to NIE and to conduct special statistical surveys for state or local officials and private organizations and individuals. Special surveys are to be paid for by the agency or organization requesting them, except that nonprofit organizations may share costs jointly with the Assistant Secretary (at his descretion) when the purposes of the project are otherwise authorized by law (p. 74).

The act requires NCES to provide all interested parties, including public and private agencies, direct access to data and statistics collected by NCES. NCES is to provide information on request to the Congressional Education Committees. It is also to form an educational data consortium (p. 75) with other federal agencies in order to provide joint access through automated data processing to all educational data received by NCES. The agencies included are the Library of Congress, the General Accounting Office and the Congressional education committees. The Commissioner and NIE are to cooperate with NCES and to provide whatever records and data are necessary to carry out its functions.

In addition to the authorization for grants listed above, the act provides for salaries and expenses of NCES: $5 million in fiscal 1975, $10 million in fiscal 1976 and $14 million for fiscal 1977.

(2) Compensatory Education (Title VII, Sec. 822-823, pp. 117-119)

(a) Sec. 822 provides that the Secretary of Commerce is to expand the current population survey in order to furnish data for each state on the total number of school-age children to be counted for assistance under Title I, Sec. 101--see Disadvantaged Children, Part 1. The Secretaries of Commerce and HEW are also to study the feasibility of updating the number of disadvantaged children in school districts of LEAs in order to adjust the amount of individual grants. A report is to be made to Congress of the results of this study. No methods of making adjustments under consideration are to be implemented unless enacted by Congress.

(b) Sec. 823 requires the Assistance Secretary, with the participation of NIE and NCES, to conduct a thorough study of the manner in which the relative measure of poverty for use in Title I may be more currently and accurately developed. The study is to be adjusted for regional, climatic, metropolitan, urban, surburban and rural differences and for family size and head of household differences.

This study is to consider the availability and usefulness of cost-of-living data, cost-of-housing data, labor market and job availability data, wage rates, unemployment rates and income distribution dates, and data on eligibility requirements for state aid to families with dependent children. The availability of data more current than the decennial census is also to be

considered. A report on the findings of the study is to be submitted to Congress.

STRENGTHENING SEAs

(1) Consolidation (Title IV, Sec. 401, pp. 52-61)

Title V of ESEA which provides funds for programs designed to strengthen SEAs was extended through fiscal 1978 (p. 20). However, in fiscal 1976 they are to be consolidated with a number of existing federal programs into Part C of Title IV (Educational Innovation and Support). Each state is to reserve not more than 15 percent (or the amount received for these programs in fiscal 1973, whichever is greater) of its total appropriation for Part C for these kinds of programs (p. 56).

Under Part C, funds are provided for supplementary educational centers and services, demonstration programs designed to improve nutrition and health services, for programs to strengthen SEAs, and for dropout prevention programs. These programs and projects are intended to replace ESEA Title III (Innovation), ESEA Title VIII (dropout prevention, health and nutrition programs) and ESEA Title V (strengthening SEAs) and may be used only for the same purposes and the same types of programs (pp. 60-61).

(2) The National Reading Improvement Program (Title VII, Sec. 711-714, pp. 108-111)

Sec. 711-714 provide for state administered reading improvement programs--see Reading, Part 2b. Funds are made available to the state and the state is to make these funds available as grants to SEA, LEAs and other public and private non-profit institutions--see Grants and Grant Provisions, Part 7b. The SEA is responsible for administering the programs subject to a funding agreement with the Commissioner--see Applications, Part 7b.

STUDENT RIGHTS (See Parental and Student Rights)

STUDIES AND REPORTS (Also see Statistics)

(1) Compensatory Education (Title I, Sec. 101, p. 16 and Title VIII, Sec. 821, pp. 116-117)

The National Institute for Education (NIE) is directed to undertake a study of compensatory education programs, both state and Title I

programs (p. 116). It is to include experimental programs in 20 reasonably geographically representative LEAs (p. 16 and p. 116). The study is to examine the fundamental purposes of these programs, analyze the way children may be accurately identified for participation in programs, and provide an analysis of the effectiveness of the methods and procedures used (including the use of individualized instructional plans and teacher training).

NIE is also directed to explore alternative methods of funding compensatory programs. Funds may be allocated to the LEAs and to schools within the LEAs in ways which differ from those required by the act. However, changes in allocation procedure must meet with the approval of the district-wide advisory council (see Advisory Councils, Part 1) and must be free from racial or cultural discrimination.

The plan of the study is to be designed by NIE, in cooperation with the National Advisory Council on the Education of Disadvantaged Children (p. 117). The plan is to be submitted to Congree 120 days after the enactment of this act, but the study is not to be undertaken until after 30 days of continuous congressional session have passed. An interim report is to be made to the President and Congress by December 31, 1976 with the final report due nine months later.

The act also makes provision for a study for up-dating the number of children to be counted for the purposes of Title I (Sec. 822, pp. 117-118) and a study of alternative measures of poverty (Sec. 823, pp. 118-119). (See Statistics, Part 2).

(2) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105)

The Secretary of the Interior is required to provide to the President and the Congress an assessment of the needs of Indian children for bilingual education programs. The Secretary is also required to provide an annual report on November 1 of each year to the President and the Congress which contains a review and evaluation of the programs funded under this act (p. 25). (Also see Indian Children, Part 2).

The act provides (pp. 26-27) that the Commissioner, in consultation with the National Advisory Council on Bilingual Education, is to prepare for the President and the Congress a report on bilingual education in the nation and on the programs funded under this act. The report is to contain a survey (to be conducted by NCES, p. 75), of the number of individuals requiring bilingual programs and a five-year plan for meeting identified needs (including the need for vocational, preschool and adult bilingual education programs). The report is also to contain an assessment of the number of teachers and

personnel required to implement needed programs. The report is to be provided on November 1, 1975 and 1977. The Commissioner is also directed (p. 26) to advise the appropriate Congressional committees on the need for teacher training fellowships--see Postsecondary Education, Part 1.

The act further provides (pp. 28-29) that NIE is to carry out a research program to improve the effectiveness of bilingual programs funded under the act. The Director of NIE and the Commissioner are authorized to negotiate contracts with public and private agencies, organizations and institutions. The research program is also to disseminate information and a national clearinghouse on bilingual education is to be established--see Information Dissemination/ Clearinghouses, Part 2. The act authorizes $5 million for carrying out this study--also see Part 13 below.

(3) Consolidation (Title IV, Sec. 401, p. 57)

Sec. 401 of Title IV provides for the consolidation of a number of existing federal programs into Part B (Libraries and Learning Resources) and Part C (Educational Innovation and Support). (See Grants and Grant Provisions, Part 4a). The programs funded under Parts B and C are to be evaluated annually (see Information Dissemination/Clearinghouses, Part 3), by a state advisory council--see Advisory Councils, Part 3. The advisory council is required to submit a report to the SEA annually for further comment and submission to the Commissioner.

(4) The Special Projects Act (Title IV, Sec. 404, pp. 65-66)

(a) This act requires NIE to carry out a program of research and related activities on the education of gifted and talented children. The Commissioner is authorized to transfer funds to NIE for this purpose. The program is to include research, research training, surveys or demonstration, information dissemination and experimental and model schools (pp. 65-66).

(b) The act also provides for community school programs which are to be evaluated by a Community Education Advisory Council--see Advisory Councils, Part 4a. The results of program evaluations are to be submitted to the Congress annually (p. 68).

(c) The Commissioner is to conduct a survey and assessment of the current status of career education programs in the United States and to submit its report to Congress on November 1, 1975 (p. 69). The report is to include the recommendations of the Advisory Council for Career Education for new career education legislation--see Advisory Councils, Part 4b. The Commissioner is to require

SEAs and LEAs to report on their efforts to prepare students for future employment.

The act also provides that the National Advisory Council for Career Education, with the assistance of the Commissioner, is to conduct a survey and assessment of the current status of career education in the United States to be submitted to the Congress by November 1, 1975. The report is to include the recommendations of the Council for career education legislation (p. 70).

(d) Under Sec. 408 (the Women's Education Equity Act of 1974) provision is made (p. 71) for research, development and educational activities designed to advance educational equity for women--see Applications, Part 5f. Provision is also made (p. 72) for a national study, to be conducted by the Commissioner, to review sex discrimination in education. The study is to be completed one year after enactment and submitted to the Advisory Council on Women's Educational Programs (see Advisory Councils, Part 4c), for comment and recommendations.

The Commissioner is required to submit an annual report on activities funded under this section to the Congress, the President and the Council. The report is to be distributed to all interested groups and individuals. The Council, after receiving the Commissioner's report is required to prepare an annual report which is also to include an evaluation of all programs and projects assisted under this section.

(5) Education Administration (Title V, Sec. 503, pp. 77-78)

(a) The Commissioner is required to submit to Congressional education committees an annual report, due on November 1 of each year, on the personnel needs and assignments of OE. The report is to contain an organizational plan of OE, a description of personnel functions and personnel needs.

(b) Sec. 506 (pp. 79-82) of Title V requires the Secretary to submit an annual evaluation of federal education activities on November 1 of each year to Congressional education committees (pp. 81-82). Each of the programs administered by the Education Division is to be evaluated, in accordance with objective evaluation criteria, and the costs and benefits of the program are to be described. Recommendations are to be included for each program with regard to its continuation and, if the recommendation is made that the program be continued, suggestions and recommendations for its improvement are to be included. Title I evaluation reports are to contain surveys of how many disadvantaged children are served

and how many are not, and how many children who are not achieving normally (one to two years behind the appropriate grade level) are being served and how many are not. NCES is to undertake these surveys.

(c) Sec. 512 (p. 88) requires SEAs to furnish the Commissioner with an annual report on the use of federal funds received through simplified state application procedures--see Applications, Part 6b. These reports are to include: (1) a list of all grants and contracts made under each program to LEAs and other public or private agencies; (2) the total amount of funds available to the state under each program; (3) the above information for the second preceding fiscal year (including a statistical report on the individuals served). These reports are to be made available to LEAs, public and private institutions and the general public. The Commissioner is to submit these reports, and a compilation of statistical data derived from them, to Congressional education committees.

(6) Adult Education (Title VI, Sec. 606, p. 95)

Sec. 606 provides for the establishment of state advisory councils--see Advisory Councils, Part 7. The council is required, among other things, to submit an annual report, with commentary by the SEA, to the National Advisory Council for Adult Education. The report is to contain the recommendations of the Council with respect to adult education programs.

(7) Education of the Handicapped (Title VI, Sec. 615, p. 100)

Modifications of state plan requirements require a survey to be made in each state receiving assistance under this act of all children residing in the state who are handicapped and who require special education services--see State Plans, Part 4b. Results of the survey are to be submitted to parents and the general public 30 days before they are submitted to the Commissioner.

(8) The National Reading Improvement Program (Title VII, Sec. 714, p. 110 and Sec. 731, p. 113)

The act provides funds for state administered reading improvement programs--see Reading, Part 2b. In order to receive funds, the state is required, among other things, to make provision for an annual report to be submitted to the Commissioner--see Applications, Part 7b.

The Commissioner is required (p. 113) to submit an annual report on March 13 of each year through fiscal 1979 to Congressional education committees. The report is to contain a statement of specific and detailed

objectives for the program and to include a statement of the effectiveness of the program in meeting these objectives, measured through the end of the preceding fiscal year. The Commissioner is to include recommendations with respect to changes in legislation or new legislation deemed necessary or desirable and to provide a list of studies and analyses supporting his recommendations. Finally, the report is to contain an annual evaluation plan for the ensuing fiscal year.

(9) The White House Conference on Education (Title VIII, Sec. 804, pp. 114-116)

One of the major objectives of the proposed White House Conference on Education to be held in 1977 is the compilation of a report containing the findings and recommendations of a broadly representative group of citizens--see Miscellaneous, Part 2. The National Conference Committee (see Advisory Councils, Part 10) is to prepare a final report (and such interim reports as may be desirable) of the results, findings and recommendations of the Conference to the President and the Congress by December 1, 1977 (p. 115).

(10) Study of Late Funding (Title VIII, Sec. 824, p. 119)

The Commissioner is to investigate and report to Congress on the extend to which late funding handicaps LEAs in planning, and the extent to which program quality and effectiveness is adversely affected by late funding. The Commissioner is to submit the results of the study, accompanied by recommendations for legislative and administrative remedies, not later than one year after enactment.

(11) Safe School Study (Title VIII, Sec. 825, p. 119)

The Secretary is required to conduct a study through June 1976 to determine: (1) the frequency, seriousness and incidence of crime in the public schools; (2) the number and location of schools affected by crime; (3) the per-pupil average incidence of crime in urban, suburban and rural schools; (4) costs to schools resulting from crime; and (5) crime prevention methods employed by schools.

Within 30 days of enactment the Secretary is to request each SEA to make provision for obtaining the information required to complete this study. SEAs are to submit the information to the Secretary seven months after enactment. Provision is made for reimbursement to states for the expenses incurred. The final report on the study and recommendations are to be submitted to the Congress by December 1, 1976. The act authorizes appropriation of such funds as may be necessary to carry out these provisions.

STUDIES AND REPORTS (Continued)

(12) Study of Athletic Injuries (Title VIII, Sec. 826, p. 120)

The Secretary is required to conduct a study of athletic injuries and deaths resulting from participating, or preparing to participate in, athletic competition between schools at the secondary and post-secondary level. Schools with athletic trainers, or other medical or health professional trained to prevent or treat such injuries are to be compared with schools which do not have such personnel.

Within 50 days of enactment the Secretary is to request each school to maintain appropriate records to provide the information needed to complete the study. Schools are to submit this information to the Secretary within 14 months of enactment and the final report, with recommendations, is to be submitted to the Congress 18 months after enactment.

(13) Bilingual Vocational Training (Title VIII, Sec. 841, p. 125)

The Commissioner and the Secretary of Labor are to develop and disseminate information on the status of bilingual vocational training and to evaluate the impact of such training on the unemployment and underemployment of persons with limited English speaking ability. Findings are to be reported annually to the President and Congress--also see Part 2 above.

TEACHER TRAINING (See Personnel Training)

TERRITORIES (American Samoa, Guam, the Trust Territories of the Pacific Islands and the Virgin Islands -- also see Puerto Rico, Indian Children)

(1) Compensatory Education (Title I, Sec. 101, pp. 5-6, p. 11)

The act reserves 1% of all funds authorized under Title I for grants for disadvantaged children (see Disadvantaged Children, Part 1, for definition) in the territories and for disadvantaged Indian children. A "hold harmless" provision guarantees that funding for the territories will not be less than it was in fiscal 1973. The act also reserves 1% of the funds for grants for handicapped children for the territories (Title I, Sec. 101, p. 11). The same "hold harmless" provision applies to these grants. The Commissioner is to provide grants to the territories on the basis of their respective needs.

(2) Impact Aid (Title III, Sec. 305, p. 45)

In determining impact aid payments, the "local contribution rate" for each LEA must be determined--see Grants and Grant Provisions, Part 3.

In Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or in any state in which a substantial proportion of land is in unorganized territory, or in any state in which there is only one LEA, the Commissioner is to determine the local contribution rate. (The Trust Territory of the Pacific Islands is not included.) The local contribution rate is to be based on the average per-pupil expenditure.

(3) Consolidation (Title IV, Sec. 401, p. 54 and p. 56)

A set aside of one percent of the consolidated appropriations for Libraries and Learning Resources (Part B) and for Educational Innovation and Support (Part C) is to be reserved for the territories, Indian children (in Department of Interior schools) and overseas dependents of military personnel (in Department of Defense schools).

From total appropriations (after deductions from Part C for programs for strengthening SEAs) the sum of $50,000, or the amount received in fiscal 1973 for administration, whichever is greater, is to be reserved for the administration of the state plan during the first year of consolidation. In the following two years, the amount which may be used for this purpose is not be exceed $50,000 (p. 56).

(4) Education of the Handicapped (Title VI, Sec. 614, pp. 97-98)

Sec. 614 authorizes payments of $8.75 for each child (aged 3-21) to assist states in providing educational programs for all handicapped children (for fiscal 1975 only). The act provides that 2% of total appropriations is to be reserved for programs for handicapped children in the territories and Puerto Rico. Programs at the preschool, elementary and secondary levels are included--see Special Education, Part 5b. After fiscal 1975, the territorial set aside is to be reduced from 3% to 1% and Puerto Rico is to be treated as a state rather than a territory.

(5) The National Reading Improvement Program (Title VII, Sec. 713, pp. 108-109)

The Act provides funds for state administered reading improvement programs--see Reading, Part 2b. The act provides that one percent of total appropriations is to be reserved for the territories--see Grants and Grant Provisions, Part 7b.

(6) White House Conference on Education (Title VIII, Sec. 804, p. 116)

Grants of $25,000-$75,000 are authorized for states to assist in meeting the costs of their participation in the proposed White House

Conference on Education--see Miscellaneous, Part 2. The territories and Puerto Rico are to be considered as states--see Grants and Grant Provisions, Part 8a.

(7) Miscellaneous Amendments (Title VIII, Sec. 835, p. 122 and Sec. 843, p. 128)

(a) Amendment to the Higher Education Act (Title VIII, Sec. 835, p. 122)

Sec. 835 amends Sec. 513(c) of Title V of the Higher Education Act (the Education Professions Development Act). The amendment increases from 3% to 5% the number of Teacher Corp members to be made available to the territories and the eligible territories are increased (from Puerto Rico and the Virgin Islands only) to include Guam, American Samoa and the Trust Territory of the Pacific Islands.

(b) Amendment of the Adult Education Act (Title VIII, Sec. 843, p. 128)

Puerto Rico is to be treated as a state in allocating funds. The territorial set-aside is reduced from 2% to 1%.

TEXTBOOKS (See Library Resources, Textbooks and Instructional Materials)

TRANSPORTATION OF STUDENTS (See Desegregation)

VOCATIONAL EDUCATION

(1) Bilingual Education (The Bilingual Education Act, Title I, Sec. 105, p. 27)

This act provides that the Commissioner is to undertake a study (see Studies and Reports, Part 2) which will include an assessment of the need for vocational bilingual education programs--also see Part 5 below.

(2) The Special Projects Act (Title IV, Sec. 406, pp. 68-70)

The act provides grants for programs in career education which is defined in the act (p. 69) to include, among other things, the elimination of any distinction between education for vocational purposes and general or academic education--see Career Education, Part 1.

The act also provides for the establishment of a National Advisory Council for Career Education. The Council is to be composed of public members, to be appointed by the Secretary, and non-voting members composed of directors of various governmental agencies--see Advisory

Councils, Part 4b. The Chairman of the National Advisory Council for Vocational Education is to be included as a non-voting member (pp. 69-70).

The Special Projects Act also provides grants (p. 71) for vocational education programs for women--see Applications, Part 5f.

(3) Adult Education (Title VI, Sec. 603, p. 93)

The state plan requirements of the Adult Education Act are revised to include the requirement that adult education programs must be coordinated with manpower development and training programs, occupational programs and reading improvement programs for adults--also see Information Diseemination/Clearinghouses, Part 8.

(4) Education of the Handicapped (Title VI, Sec. 616, p. 101)

An authorization of $1 million in fiscal 1975, and such sums as may be necessary in fiscal 1976-77, is provided to the Commissioner for grants for the development of specially designed or modified programs of vocational, technical, postsecondary or adult education for deaf or other handicapped persons--see Special Education, Part 5c. Grants may be made to postsecondary institutions and other appropriate nonprofit education agencies. Priority is to be given to: (1) programs serving multi-state regions or large population centers; (2) programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and (3) programs designed to serve areas where a need for such services is clearly demonstrated.

(5) Amendments to the Vocational Education Act (Title VIII, Sec. 841, pp. 123-127)

(a) The act provides $17.5 million for fiscal 1975 for bilingual vocational education programs for students of limited English speaking ability, (to be carried out in conjunction with bilingual education programs and bilingual adult education programs). (See Bilingual Education, Part 1, and Adult Education, Part 1). It also provides that persons of limited English speaking ability are to be included as members of The National Advisory Council on Vocational Education and that states may include, where appropriate, students of limited English speaking ability as members of the state advisory councils required by the Vocational Education Act--see Advisory Councils, Part 12. (Also see Part 1 above.)

(b) The act also provides $17.5 million for fiscal 1975 for bilingual vocational training programs (those which train or retrain individuals with limited English speaking ability for non-professional

employment). Grants are to be provided to profit-making as well as non-profit institutions for these programs (see Grants and Grant Provisions, Part 8c(ii)) and applications, approved and commented on by the state board, are to be made to the Commissioner--see Applications, Part 9. (Also see Part 1 above.)

(c) The Commissioner and the Secretary of Labor are to develop and disseminate information on the status of bilingual vocational training (p. 125) and to evaluate its impact on the unemployment and underemployment of individuals with limited English speaking ability--see Studies and Reports, Part 13. (Also see Part 1 above.)

(6) Extension of Advisory Council (Title VIII, Sec. 845, p. 129)

The National Advisory Council on Vocational Education (Vocational Education Act, Title I, Sec. 104) is extended until July 1, 1976.

WHITE HOUSE CONFERENCE ON EDUCATION (See Miscellaneous Provisions)

WOMEN

(1) The Special Projects Act (The Women's Educational Equity Act of 1974, Title IV, Sec. 408, pp. 71-72)

The act authorizes $30 million per year for each year through fiscal 1978 for programs designed to provide educational equity for women. The Commissioner is authorized to make grants to, and enter into contracts with, public agencies and private non-profit organizations and with individuals for such activities at all levels of education--preschool, elementary, secondary, postsecondary and adult education--see Applications, Part 5f. Men are not prohibited from participating in any activities funded (p. 71).

The Commissioner is also to carry out a program of small grants (not to exceed $15,000 each) to support innovative approaches designed to achieve educational equity for women--see Innovation and Support, Part 2.

The act provides for the establishment of an Advisory Council on Women's Educational Programs within the Office of Education--see Advisory Councils, Part 4c. The Commissioner is to conduct a national review of sex discrimination in education to be submitted to the Council one year after enactment (p. 72). The Commissioner

is also required to prepare an annual report to be submitted to the Congress, the President and the Council--see Studies and Reports, Part 4d.

(2) Sex Discrimination (Title VIII, Sec. 844, p. 129)

The Secretary is to prepare and publish, within 30 days of enactment, regulations to implement the prohibition of sex discrimination provisions of Title IX of the Education Amendments of 1972--see Postsecondary Education, Part 11.

WRITTEN INDIVIDUALIZED INSTRUCTIONAL PLANS (See Individualized Instructional Plans)

APPENDIX

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The Education Commission of the States is a nonprofit organization formed by interstate compact in 1966. Forty-seven states and territories are now members. Its goal is to further a working relationship among state governors, legislators and educators for the improvement of education. This report is an outcome of one of many Commission undertakings at all levels of education. The Commission offices are located at 300 Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203.